THE REIGATE PUZZLE

A LAWYERLY ANNOTATED EDITION

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A. Conan Doyle†

introduction by Catherine Cooke‡

annotations by Cattleya M. Concepcion,[1] *Joshua Cumby,*[2] *Ross E. Davies,*[3] *A. Charles Dean,*[4] *Clifford S. Goldfarb,*[5] *Peter H. Jacoby,*[6] *Jon Lellenberg,*[7] *Lou Lewis,*[8] *Joyce Malcolm,*[9] *Guy Marriott,*[10] *Ira Brad Matetsky,*[11] *Hartley R. Nathan*[12] *& Ronald J. Wainz*[13]

EDITORS' PREFACE

Annotating "The Adventure of the Norwood Builder" for the 2015 edition of the *Green Bag Almanac & Reader* was quite fun — enough fun that even before it was in print we'd decided to annotate another Sherlock Holmes story for this, the 2016 edition. We settled on one of the

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† Arthur Conan Doyle made a living as a physician for a few years, but worked most of his adult life as a professional writer.

‡ Catherine Cooke* ("The Book of Life," BSI) is a librarian and curator of the Sherlock Holmes Collection of Westminster Libraries, London.

[1] Cattleya M. Concepcion is a librarian at the George Mason University School of Law.

[2] Joshua Cumby is an intellectual property and litigation associate at Venable LLP.

[3] Ross Davies is a George Mason University law professor and *Green Bag* editor.

[4] Ash Dean is a partner in the law firm of Gross & Romanick, P.C., in Fairfax, Virginia.

[5] Clifford S. Goldfarb* ("Fordham, the Horsham Lawyer," BSI) is a lawyer with the Toronto firm of Gardiner Roberts LLP. He specializes in charitable and non-profit organizations.

[6] Peter H. Jacoby,* a retired lawyer, lives in Philadelphia and is a longtime member of several Sherlockian scion societies in the mid-Atlantic states.

[7] Jon Lellenberg ("Rodger Prescott," BSI) is a retired Pentagon strategist and the historian of the Baker Street Irregulars.

[8] Lou Lewis ("William Whyte," BSI) is a partner in the law firm of Lewis & Greer, P.C., where he specializes in litigation and in tax certiorari, construction, and surety law.

[9] Joyce Malcolm is a professor of law at the George Mason University School of Law.

[10] Guy Marriott* ("The Hotel du Louvre," BSI) is a retired English Solicitor and the President of The Sherlock Holmes Society of London.

[11] Ira Brad Matetsky is a litigation partner in the firm of Ganfer & Shore, LLP in New York.

[12] Hartley R. Nathan* ("The Penang Lawyer," BSI) is a partner in the Toronto law firm of Minden Gross LLP where he practices corporate law, and a Queen's Counsel (1982).

[13] Ronald J. Wainz is a physician in Toledo, Ohio, specializing in pulmonary, critical care, and sleep medicine.

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earlier stories, "The Reigate Puzzle" (aka "The Reigate Squire" and "The Reigate Squires"). And then we enlisted (as we did last year) an eminent Sherlockian to introduce the story and a gratifyingly diverse congregation of others to annotate it.

What we present in the following pages is not, of course, the last word on anything about "The Reigate Puzzle." Indeed, one of the joys of Sherlockian studies (like legal studies) is that no one ever gets the last word, just the latest.[14] We would like to think, however, that we have collected quite a few interesting and entertaining additions to Sherlockian scholarship — including several relating to the law and legal culture — and at least as many eloquent yet compact restatements of some of the best of preexisting scholarship.

As we said in last year's preface to "Norwood Builder," for anyone interested in fully appreciating that story — or, we now add, any Sherlock Holmes story published under the byline of Arthur Conan Doyle — two books are essential resources. First, there is *The New Annotated Sherlock Holmes* (2005), by Leslie S. Klinger. Volume 1 of that work includes "The Reigate Puzzle" (under the name "The Reigate Squires"). Klinger's notes there are flagged here with citations to "LSK, 1 New Ann. p. _, note _." Second, there is *The Sherlock Holmes Reference Library*, also by Klinger. The volume in that series covering *The Memoirs of Sherlock Holmes* (1999) includes "The Reigate Puzzle" (again as "The Reigate Squires"). Klinger's notes there are flagged here with citations to "LSK, Ref.: Memoirs, p. _, note _." If you want to know what his notes say (and you should), you will need to get his books (which you should).

This year, exhibiting the traditional legal-academic tendency toward ever-expanding annotation, we have added references to Owen Dudley Edwards's excellent *The Oxford Sherlock Holmes* (1993). The volume in that series covering *The Memoirs of Sherlock Holmes* includes "The Reigate Puzzle" (under the name "The Reigate Squire"). Christopher Roden's notes there are flagged here with citations to "OSH: Memoirs, p. _."[15]

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[14] *Compare, e.g.*, Bernard Davies, *Introducton*, in THE SHERLOCK HOLMES REFERENCE LIBRARY: THE SIGN OF FOUR xi, xii (2004) (Leslie S. Klinger, ed.), and Edgar W. Smith, SHERLOCK HOLMES: THE WRITINGS OF JOHN H. WATSON, M.D. 118-19 (1962), with Richard M. Re, *On "A Ticket Good for One Day Only,"* 16 GREEN BAG 2D 155 (2013), and *Brown v. Allen*, 344 U.S. 443, 540 (1953) (Jackson, J., concurring in the result) ("We are not final because we are infallible, but we are infallible only because we are final.").

[15] "The Reigate Puzzle" being a subject of interest to Sherlockians, other interesting and

The text of "The Reigate Puzzle" presented here (including reproductions of the handwritten incriminating note) is from the first U.S. version — published by *Harper's Weekly* in 1893 — which has its quirks, as does every version.[16] The picture of Sherlock Holmes on page 108 above is from a 1905 newspaper republication of the story.[17]

INTRODUCTION

THE PUZZLE OF "THE REIGATE SQUIRES"

Catherine Cooke

One of the joys of the Sherlockian Game is being able to visit the actual scenes of Holmes's investigations. One can travel on the train lines he did, stand where he stood and walk in his footsteps. Well, almost. Britain's train network was sadly depleted in the middle of the last century with the advent of the motor car, but many lines survive and even if some of the local stations have disappeared, their sites often remain. It has to be conceded that one does require imagination to see what Holmes would have seen — much has changed. One also requires Holmes's deductive skills to find many of the places from the clues in the stories. Plus there's the added bonus of discovering out-of-the-way little snippets of history along the way. The discipline is in many ways an easier one than the discipline of dating the stories. You usually only have the data in one story to deal with — there are fewer awkward clashes with other stories to worry about. It is a somewhat duplicitous activity, however. Are we talking about stories written at one date by Sir Arthur Conan Doyle, or true accounts of cases at a totally different date written up by Dr. John H. Watson? Often, the former can provide vital evidence and "The Reigate Squires" (I am English!) is a case in point.

The story was first published in *The Strand Magazine* for June 1893. Most American editions use the title "The Reigate Puzzle." This may be

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entertaining scholarly works about it, or at least touching on it, abound. They are too numerous to list and too various to summarize. Conveniently and not surprisingly, a good starting point for exploration of other scholarship is Klinger. *See* Leslie S. Klinger, *Sifting the Writings upon the Writings*, 52 BAKER STREET J. 47 (Summer 2002), www.bakerstreet journal.com/images/Klinger%20edited.pdf.

[16] A. Conan Doyle, *The Reigate Puzzle*, HARPER'S WEEKLY, June 17, 1893, at 574.

[17] A. Conan Doyle, *The Original Sherlock Holmes Stories: The Reigate Puzzle*, WASHINGTON TIMES, May 14, 1905, section 4, at 2.

for fear of offending the republican sympathies of American readers, or may be simply because the early editors felt the term "Squires" would not mean much to their readers. In fact, the term does give us a salient piece of evidence about the houses we are seeking, so bears definition. The Oxford English Dictionary defines a squire as, "[a] country gentleman or landed proprietor, *esp.* one who is the principal landowner in a village or district."[18] The internal date of the story is unusually unanimously accepted as April 1887, with most commentators agreeing on the 25th or 26th of the month, though a couple plump for the 4th or 14th.[19]

The general location of the story is, obviously, Reigate, a historic town in Surrey, some 20 miles south of London, dating back to at least the Bronze Age. It had a mediaeval castle and market and is a parliamentary borough.[20] But before we can start looking for the exact location of the story, we must look at the textual evidence — exactly what are we seeking? The points were admirably summarised by Bernard Davies in his papers,[21] starting with Colonel Hayter's house:

- The establishment is a bachelor one. The house, while not necessarily part of a large estate, was in itself fairly commodious. There was no problem about guest-rooms. It had a library and a gun-room. A smoking-room is also referred to, though this might have been the gun-room used as a smoking-room
- The Colonel had a butler, so he must have had a moderate staff. Though only an ex-soldier, he could afford to live very comfortably indeed
- His neighbour Cunningham Senior was "our leading squire around here" according to the Colonel. This indicates there were a number of substantial landowners around district — "far the largest about here". Cunningham is also a J.P.
- Holmes speaks of burglar gang "operating in the country". While he could mean "outside London" it also suggests probably NOT in the town of Reigate itself
- "If it's a local villain there should not be much difficulty" remarks Holmes. Again, suggests a lightly populated, countrified area
- Insp. Forrester's "step across" to Holmes indicates the scene of Cunningham's robbery is only a very short distance away. Forrester also

[18] www.oed.com/view/Entry/188426?rskey=oh84Sr&result=1&isAdvanced=false#eid.

[19] Andrew Jay Peck and Leslie S. Klinger, THE DATE BEING . . . ? (1996).

[20] en.wikipedia.org/wiki/Reigate.

[21] Private collection.

remarks that if the burglar is a stranger "we shall soon find him out"

- "The field outside" confirms relatively rural situation of Hayter's place.
- The Cunningham home is only a few minutes' walk away from Hayter's and is in fact quite close to the road leading to it which must be a "high road" — i.e. either a main road or a principal subsidiary or side-road. The place was not isolated therefore
- It was surrounded by hedge, not a wall, railways or farms. At least on main approach road side
- Lodge (with gates?) is "pretty cottage" — "oak-lined avenue" to Cunningham residence — reasonable length, not necessarily *very* long. Only a few minutes' walk. Both the lodge and avenue are essential
- Queen Anne mansion — date of Malplaquet (1709) above the door
- Round one side is a "side-gate" — "separated by a stretch of garden from the hedge which lines the road." Near the "kitchen door". Here the Staircase (plain, wooden) which features is Backstairs. From a landing a more ornamental flight of main stairs leads to hall. Upstairs drawing-room and several bedrooms, all first floor
- Cunningham's side gate must be internal gate leading from gardens into park or rest of property. It cannot be on the public road or it makes nonsense of the separation from the hedge by a "strip of garden". Both the hedge and the road could be seen from (a) inside back (kitchen) hall, (b) from one of old C's bedroom windows
- Absence of powder blackening
- Ditch — No evidence for an outside intruder. Absence of footprints in muddy ditch at boundary shows Cunningham's story false
- Very sizeable estate, since — along with Acton's place — "far the largest about here" and some of it subject of a long running and expensive lawsuit. (Note the emphasis on their greater size, which shows (a) a considerable gap in acreage between them and the rest; which is larger of two is irrelevant (b) their size would preclude then from being within Reigate town limits proper)
- Holmes refers to the "county police" (Surrey Constabulary, not a Borough Force)
- "Old Acton" is referred to as "one of our country magnates" by Colonel Hayter. He is not called a J.P., but could have been
- Hayter proposes to take pistol up to bed, "we've had a scare in these parts lately" he says, referring to burglary at Acton's place, which cannot therefore be far away.

Now this is a lot of detail. You could argue too much — over 120 years later it will be impossible to satisfy every point. Bernard's stated method, written across the top of his notes, was, as Holmes says in the story, "Now I make a point of never having any prejudices and of following docilely wherever fate may lead me, ..." In fact, relatively few scholars have looked into the location of the houses. Michael Harrison gave his views when he considered Surrey.[22] He felt Colonel Hayter's house was "a smallish villa," or there would have been more servants. He made no attempt, however, to pinpoint any specific houses. Charles Merriman, one of the first Sherlockians actively to seek the locations of Holmes's cases, is reported as identifying The Priory as the Cunningham house, "a building of note — in the Vale of Holmesdale."[23]

David Hammer did, of course, cover the area in his travel guide to the England of Sherlock Holmes.[24] He states that two houses have been proposed: Gatton Hall near Reigate and the Priory, actually in Reigate. Gatton Hall was for about 50 years the seat of Sir Jeremiah Colman, but was all but destroyed by fire in 1936, leaving only a colonnade standing. The property was rebuilt on a much smaller scale than the original house. It is now the Royal Alexandra and Abbey School. The Priory still exists, now The Priory Middle School, Bell Street, having been transferred to public ownership in 1922. Hammer duly visited The Priory and found it in a park, with a tree-lined avenue leading to it. He thought it was in Queen Anne style, with two storeys and built on an H plan. It was, however, grey with corner quoins rather than red. There was a coat of arms above the door. Hammer was happy to accept The Priory as the Cunningham residence. The problem is, of course, that he did not investigate the alternatives, which we must do before we can be definitive.

Davies followed his usual method, taking his lead from Holmes, who, it will be remembered, sent down to Stanford's for the Ordnance map of Dartmoor when beginning his investigation in *The Hound of the Baskervilles*. Bernard obtained the Reigate Ordnance map published in 1816, the map surveyed in 1866-71, published 1878 and the 1901 revision, published 1904. He identified a number of possible candidates:

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[22] Michael Harrison, IN THE FOOTSTEPS OF SHERLOCK HOLMES (revised edition 1971).
[23] Arthur Conan Doyle, THE MEMOIRS OF SHERLOCK HOLMES (1999) (Leslie S. Klinger, ed.).
[24] David L. Hammer, THE GAME IS AFOOT (1983).

1. Reigate Lodge — house on Reigate Road
2. Great Doods to the east — about the same size — house on Croydon Road near railway

   Both are below Redhill Road and the railway and divided by Croydon Road
3. The Priory (with site of ancient priory) A quarter of a mile away — south of town. A bit larger than these, but not a lot. *Unless* Reigate Park is added to it — in which case it would be much larger. Priory Road overlaps both and as the Park is actually woodland and the grounds elsewhere parkland, "this could be the solution 2=1?"

These three properties do form a distinct group — the houses are roughly comparable in size; The Priory is possibly marginally bigger. Of the two easternmost properties, Reigate Lodge and Great Doods, both remained as shown in OS 6" 2nd sheet of 1898 (rev. 1895) up until at least that date. However, the more easterly of the two (Great Doods) was radically redeveloped before 1901, when the 1" sheet of Reigate was re-surveyed (pub. 1904). This shows the area cut up by a diagonal road across it, and new buildings. The other (Reigate Lodge) while it shows some rebuilding by or before 1901 is not so radically changed. At the date of the story, both would look more like they did in 1878 1" sheet — 9 years earlier.

Other good sized properties for Hayter's (but not big estates) were

1. Rookwood (N)
2. Clairville (NE) alongside railway. It did have field adjacent to it, across road to west and across the road to the south

There was, even then, continuous building along both the road and the railway joining Reigate to Redhill. The relevant maps are now easily available on the National Library of Scotland's website. If we look at the 2nd edition 1898 Surrey Sheet XXVI S.E.[25] We can see that all three had Lodges.

Bernard was nothing if not thorough in his researches. He did check for other possible candidates:

[25] maps.nls.uk/view/101437216.

1816	1866 1878
1. Flanchford Place 1 mile SW	Farm
2. Hartswood 1 mile S	OK
3. Samuel House 1 mile SSE	= Salmons Cross [sic]
4. Earlswood 1.25 miles SE	Farm
5. High Trees 1 mile E	OK
6. Mutton Hall 0.5 mile NE	Not marked
7. Wray Court / Park (later)	OK
8. Kew Lodge 1 mile NE	
~~9. Nutwood Lodge 1.5 miles NNE~~ [sic]	
10. Reigate Manor N	Hotel
11. Underhill Park	Not marked

1816 only 1 park in this section, not 2
Also Clay Hall — Farm
White Hall (nr centre) not marked later editions S of Reigate Park in South Park Area
Gatton Park 2 miles NE was really big estate. Gatton Hall still there (96)
? Buckland Court 3000 yards W or 1.75 miles W

Quite a number of these are farms, which is not what we are seeking for Colonel Hayter's house. Some are rather a long way out — probably too far to "step over" from Cunningham's.

He also looked at the lists of magistrates, of whom there were a number, and the local police:

Surrey (1887)

Country Magistrates around Reigate — Petty Sessions Division of Reigate
After 4 titles persons with "seats" are listed for Reigate

Edward Brocklehurst	Kinnersley Manor 5 miles S
Col. A. A. Croll	Beechwood
NW over Reigate Hill	2 miles N
Henry Lainson	Colley Manor
Jas Ness	The Wilderness NE edge of town
Frederick Charles Pawle	Northcote
Alfred Waterlow	Great Doods [?]

Borough Magistrates

Henry Lainson	(+) Colley Manor
Geo. E. Pym	Doods
Edwin Horne	Park House
Constantine Holman	The Barons

+ 2 in West Street in Redhill etc.

Reigate Police

Borough Police Station, High Street
Geo Rogers Ch. Constable
4 sergeants and 10 constables
A station of Surrey County Constabulary
Royal West Surrey Regt. Volunteer Dept. Any 1 Inspector rank?

So we have four possible houses for the Cunningham house: Gatton Hall, The Priory, Great Doods and Reigate Lodge, and two good candidates for Hayter's — Rookwood and Clairville.

Bernard felt that Gatton Hall was too large and in the wrong position — it is much closer to Merstham than to Reigate. Furthermore, Gatton Hall was purchased in 1888 by Sir Jeremiah Colman whose family had established the Colman's mustard food brand in the early 19th century, not quite the sort of owner we are concerned with.[26]

The Priory is a Grade I listed building set in 65 acres of open parkland, with gardens, lake and waterfowl, and good recreational facilities. It was originally founded in the early 13th century by William de Warenne, the sixth Earl of Surrey, for the Augustinian Canons who worshipped and worked here for 300 years. It was converted to a mansion following the Dissolution of the Monasteries. In June 1541, while Catherine Howard was Queen, the Priory was granted by King Henry VIII to Lord William Howard, her uncle. Richard Ireland, a cheesemonger, paid £4,000 for the mansion and its 76 acres of parkland at auction in the mid-18th century. A devastating fire badly damaged the west wing and significant changes were made to the Priory building, shortening the east wing and refacing the south front in its present Georgian style.[27] The house is rather too grand. In 1883 Lady Henry Somerset (née Somers) inherited the estate from Charles Somers. The house was extensively altered and new garden areas were developed, including the Sunken Garden and Monks Walk. On occasions the Priory was let to socialite Mrs Ronnie Greville, becoming a social destination for elite society. Mrs Greville later went on to purchase Polesden Lacey in 1906.[28] While The Priory might be a bit too far from the likely location of Hayter's house, ne-

[26] en.wikipedia.org/wiki/Gatton_Park.

[27] www.reigatehistory.co.uk/prioryhistory.htm and reigatepriorymuseum.org.uk/priory.html.

[28] www.reigatehistory.co.uk/prioryhistory.htm.

cessitating passing along both Church Street and the High Street to reach the lodge entrance, it is the only one of the five houses still standing today.

Great Doods was an impressive, 18-bedroom house, with a large greenhouse, extensive wooded grounds, and a pond and fountain which belonged to Sir Edward Thurland (1607-1683), its first resident. Deerings Road was built across its grounds around the turn of the century. An 1897 document shows the estate sold for development when Reigate was expanding. Great Doods itself stood until about 1906, when it was demolished to make way for new houses.[29] Given the dates of that first owner, who presumably built the house, it predates the Battle of Malplaquet by several decades. The drive from the lodge to the front of Great Doods appears to pass across the east front of the house. Since the Cunningham's house had a small gate on the east side near the kitchen, this would argue against Great Doods being the house. It might, however, be Old Acton's house. He had some claim on the Cunningham estate, which would make sense if they were next to each other.

Finally, Reigate Lodge was a large, 18th-century house, which might fit with Malplaquet. Little of its history seems to be readily available, but one interesting point is that it was where, on 11th December 1882, Sir Thomas Watson died. He was Professor of Medicine at Kings College, London and later President of the Royal College of Physicians. He had been appointed physician extraordinary to the Queen in 1859, and as such, attended Prince Albert in his final illness, along with Sir William Jenner and Sir Henry Holland. He was created a baronet in 1866, and was appointed physician in ordinary to the Queen in 1870.[30] The estate had been bought by Reigate Council by 1912 and a competition was held for a development scheme, which was won by a Redhill architect, Vincent Hooper.[31] The proposal included setting aside eight acres for a new grammar school.[32] By September 1914 the estate was being used to billet soldiers.[33] It was demolished in the 1930s and the land used for what is now Reigate College and for housing, for example along Rushworth

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[29] www.redhillandreigatelife.co.uk/news/heritage/515191.Rediscover_the_Great_Doods/.

[30] www.paulfrecker.com/pictureDetails.cfm?pagetype=library&typeID=21&ID=4994.

[31] SURREY MIRROR, Aug. 23, 1912.

[32] www.worthpoint.com/worthopedia/reigate-lodge-proposed-layout-estate-512250342.

[33] www.reigatehistory.co.uk/1stWW.html.

Road. The surrounding walls and shrubbery survived.[34] The drive from the lodge to Reigate Lodge approached to the west of the house, which works rather better for the Cunningham house.

So what of the candidates for Colonel Hayter's house, Rookwood and, a bit to the east, Clairville? Both were reasonably sized houses and there seems little to distinguish them from the available evidence. According to the 1911 census, Rookwood was large enough to accommodate a John Arthur Warwick aged 71, his wife Florence, 66, and their single daughter Lilian, with a staff consisting of a medical nurse, a parlourmaid, a housemaid, a cook, and a groom in the stables. If we accept Reigate Lodge as the Cunningham property, then Rookwood with its neighbouring field, being slightly closer than Clairville, makes a suitable candidate.

The story does not, however, end there. In 2010 a new theory was put forward by John Weber.[35] Weber, noting the requirement for a field next to Hayter's house, immediately discounts both Great Doods and Reigate Lodge as the area is too built up. (Both these houses are too large for Hayter's, which is more likely to be Rookwood or Clairville and, as we saw above, there was a field the other side of Wray Common Road.) Weber therefore feels the likely area is to the north of the railway, in Wray Park. Looking for a sizeable estate with both a lodge and side gate to the east, he highlights a house called Northcote. The drive is from the west, there is a footpath to the east, and it is fairly isolated. This is his candidate for the Cunningham's house. One has to say, against this, that the OS map cited above shows no named lodge, which is essential, though there is a small building which could be, and the modern 6 Gatton Road does appear to have been, the former lodge of Northcote.[36] The map Weber reproduces does show this building as the lodge. It is also small compared with other lodges nearby — so quite likely to be called a "pretty cottage." Wraylands opposite does have one, but it is a much smaller property. Northcote is also much smaller than the likes of Reigate Lodge and Great Doods, let

[34] www.geograph.org.uk/tagged/Reigate+Lodge.

[35] John E. Weber, UNDER THE DARKLING SKY (2010).

[36] www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&ved=0CDgQFjAEahUKEwiSupqGmd7IAhXHSBQKHSmfDBg&url=http%3A%2F%2Fwww.reigate-banstead.gov.uk%2Fdownload%2Fdownloads%2Fid%2F380%2Fview_the_list_of_buildings_of_architectural_and_historic_interest&usg=AFQjCNERg1Lo_Gt06aEuB87UOKGyTKCs3A.

alone The Priory. Given his preference for Northcote as the Cunningham's property, he chooses Birdhurst, just to the south-west, as Hayter's, citing a footpath past Wray Farm as the field. He did not consider a house for Old Acton.

Weber has another string to his bow — or at least, one of those spooky co-incidences. He checked both houses in *Kelly's Post Office Directory* (no date given) and Colonel John Philip Fearon lived at Birdhurst, and Frederick Charles Pawle, J.P. at Northcote. Further, the nearby house The Oaks was lived in by one Mrs. Morrison. In fact, it gets even more interesting: Colonel John Philip Fearon was commissioned to be Deputy Lord Lieutenant of Surrey in 1913.[37] This was the very post Sir Arthur Conan Doyle was appointed to in 1902. This is mere co-incidence — both dates are well in the future compared with the dates of the story. Pawle, noted by Bernard Davies in his list of magistrates, was a stock broker and art collector who actively promoted cultural activities in Surrey.[38]

Checking the census record, both were there in 1891 and both kept reasonably sized houses. Fearon, a wine and spirits merchant, lived with his wife, a cook/domestic servant, a parlourmaid, a nurse (children's) and a midwife, who may only have been there on the census night. By 1901 his family had extended to a 15-year-old daughter and two sons, aged 10 and 4. While the Colonel coincidence is interesting, this does not sound like Colonel Hayter's household. Fearon died on 22nd June 1919 leaving £23,781 18s 5d to his widow, his son John (the middle child, the elder of the 2 sons) and a Norman Charles Barraclough. One can only speculate that the younger son died in the war.

Frederick Pawle was 73 in 1901 and living on his own means, employing a butler, a footman, a lady's maid, a head housemaid and two under housemaids, a cook and a kitchen/scullery maid. He died on 3rd March 1915 leaving £116,893 5s 8d to his two sons, Lewis S. and Ernest D., and a James Harper Chaldecott, stock broker.

While the name Morrison at the Oaks interested Weber, sadly there was no Annie there. The house was lived in by George Carter Morrison,

[37] www.thegazette.co.uk/London/issue/28737/page/5061/data.pdf.

[38] books.google.co.uk/books?id=H8UrSW3kXeIC&pg=PA36&lpg=PA36&dq=Frederick+Charles+Pawle&source=bl&ots=GfqcNd3MyN&sig=zAFdMsMXs10XGan2l_rWdTIqhE4&hl=en&sa=X&ved=0CCwQ6AEwA2oVChMIwdP2z53eyAIVhG0UCh1iuA5b#v=onepage&q=Frederick%20Charles%20Pawle&f=false.

his wife Emily, their daughters Elizabeth T., Mary E., and Mabel C., and 4 sons.

The fact is that Reigate was a well-to-do area, the sort of area that would attract the well-off, such as stockbrokers and ex-Army men, who would be the sort of men to become JPs. It is very probable that Sir Arthur Conan Doyle knew the town. On 6th August 1885 he had married Louise (Touie) Hawkins. By 1893, the date the story was published, they had a house in South Norwood, but were in Switzerland, Touie having been diagnosed with tuberculosis. While their parents travelled, the children Mary and Kingsley went to stay with their maternal grandmother Emily Hawkins, who was then living in Reigate with her eldest son Jeremiah. He died on 6th June 1895 at their home, St. Ives Cottage, Chart Road, Reigate.[39] He was buried in St. Mary's churchyard in Reigate. The house was rented, so it is difficult to be certain of Emily Hawkins' exact whereabouts at any specific time, but her will was drawn up at St. Ives Cottage in November 1895. She may well have left shortly after to live with her older sister at Easebourne, near Midhurst in Sussex, until her death in 1897. Emily died in her cottage in Hindhead on 25th December 1905 aged very nearly 80. She was buried in the plot in St. Mary's churchyard in Reigate alongside her son and her sister. Touie died in July 1906. Conan Doyle remarried on 18th September 1907 and moved to Hampshire. It does seem very likely that Conan Doyle and his wife visited her mother in Reigate, possibly around the time he was conceiving the story. Chart Lane runs south along the western side of St. Mary's churchyard. Its northern end is opposite the southwest corner of the Great Doods estate, and the southeast corner of that of Reigate Lodge.

"Circumstantial evidence is a very tricky thing," answered Holmes thoughtfully. "It may seem to point very straight to one thing, but if you shift your own point of view a little, you may find it pointing in an equally uncompromising manner to something entirely different."[40] Therefore with due caution, it does seem that the following fits the case:

Old Acton's — Great Doods
Cunningham's — Reigate Lodge
Colonel Hayter's — Rookwood

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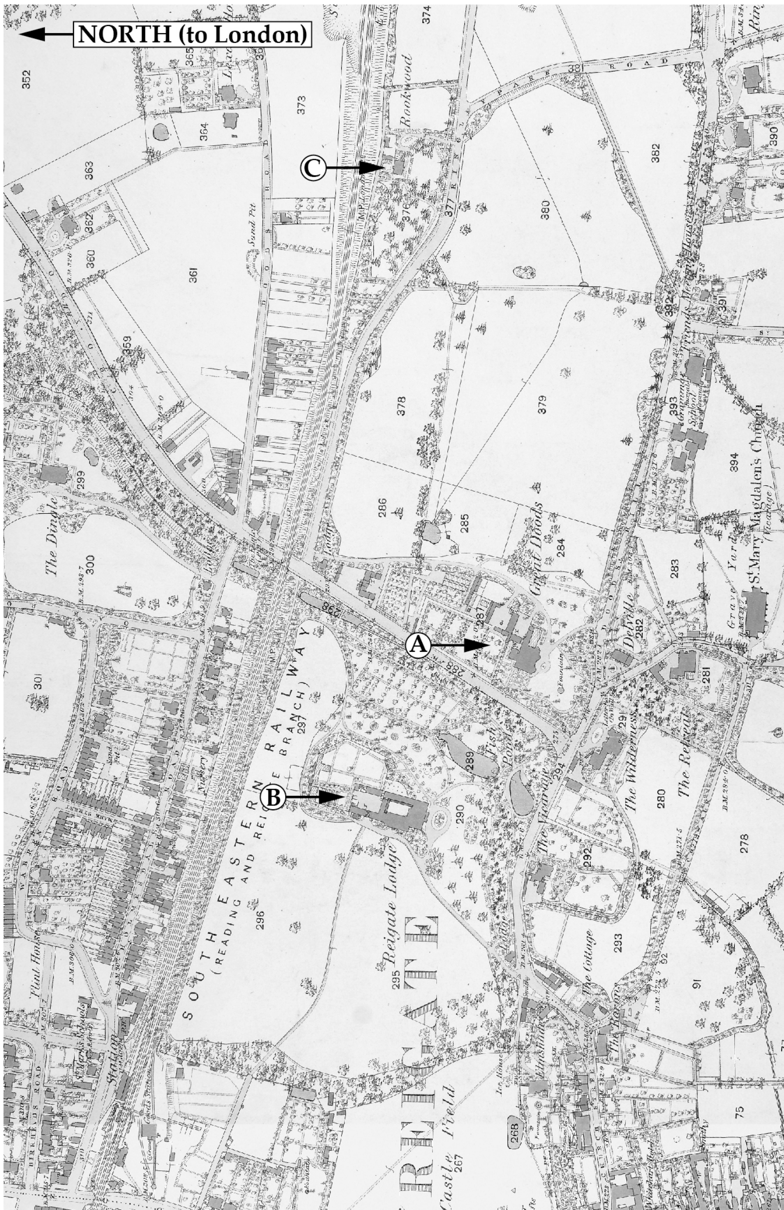
[39] Georgina Doyle, OUT OF THE SHADOWS 94 (2004).

[40] *The Boscombe Valley Mystery* (1891).

MAP OF THE EAST SIDE OF REIGATE



The arrows attached to the circled "A" and "B" and "C" in the map above indicate the likely homes of: (A) Old Acton (Great Doods), (B) the Cunninghams (Reigate Lodge), and (C) Colonel Hayter (Rookwood). Map courtesy of the Surrey History Centre.

THE REIGATE PUZZLE†

Arthur Conan Doyle

It was some time before the health of my friend Mr. Sherlock Holmes recovered from the strain caused by his immense exertions in the spring of '87.[41] The whole question of the Netherland-Sumatra Company and of the colossal schemes of Baron Maupertuis[42] is too recent in the minds of the public and is too intimately concerned with politics and finance to be a fitting subject for this series of sketches. It led, however, in an indirect fashion to a singular and complex problem which gave my friend an opportunity of demonstrating the value of a fresh weapon among the many with which he waged his life-long battle against crime.

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† ROSS E. DAVIES: We have opted for "The Reigate Puzzle" — rather than "The Reigate Squire" or "The Reigate Squires" — because I have a nervous editorial mind that cannot let go of the thought that some narrow-minded and intolerant reader might be put off by a reference to aristocratic "Squires" (or even just one of them) in, of all places, the (ahem) title of this story. *Cf.* Edgar W. Smith, *Notes on the Collation*, in Sir Arthur Conan Doyle, THE ADVENTURES OF SHERLOCK HOLMES xxi (Limited Editions Club 1950). Besides, it appears pretty likely this was the original title of the story. *See* Richard Lancelyn Green, *"The Reigate Squires,"* in THE BAKER STREET DOZEN 289, 290 (1987) (Pj Doyle & E.W. McDiarmid, eds.) ("Although the manuscript's whereabouts is not known, it seems that the story was originally called 'The Reigate Puzzle.' This was the name used by Sidney Paget in his account book in March 1893."). We do not, however, "fear[] that the word 'Squires' would be . . . incomprehensible to the Sons of the Free"! *Contra* D. Martin Dakin, A SHERLOCK HOLMES COMMENTARY 117 (1972); *cf.* PHILA. INQUIRER, Jan. 10, 1892 (publishing "The Adventure of the Blue Carbuncle" under the title "The Christmas Goose that Swallowed the Diamond"); DONALD A. REDMOND, SHERLOCK HOLMES AMONG THE PIRATES: COPYRIGHT AND CONAN DOYLE IN AMERICA 1890-1930, at 18 (1990) (listing other retitlings). *See also* LSK, Ref.: Memoirs, p. 137, n. 1; LSK, 1 New Ann., p. 557, n. 1; OSH: Memoirs, p. 300.

[41] LSK, Ref.: Memoirs, p. 137, n. 2.

[42] LSK, Ref.: Memoirs, p. 137, n. 3; OSH: Memoirs, p. 300.

On referring to my notes I see that it was upon the 14th of April that I received a telegram from Lyons[43] which informed me that Holmes was lying ill in the Hôtel Dulong.[44] Within twenty-four hours I was in his

[43] GUY MARRIOTT: To clear up one issue at once, the French spell the city Lyon (without the final "s") and that is increasingly the usage in English-speaking countries, although traditionally the city in English was spelled Lyons (with a final "s") and that is the style in "The Reigate Puzzle." Whether Lyon or Lyons, the city is south of Paris in the valley of the River Rhone, and is today France's third city, with a population of almost 500,000 people (Paris and Marseilles are larger). *See* OSH: Memoirs, p. 300.

[44] ROSS E. DAVIES: The location of Holmes's sick-room in the "Hôtel Dulong" may well be a bit of French-English pseudo-phonetic wordplay by the author. Trickery of this sort is a hallmark of the Canon. *See, e.g., The Adventure of the Veiled Lodger* (1927) ("I have made a slight change of name and place, but otherwise the facts are as stated."); David L. Hammer, THE GAME IS AFOOT 218 (1983) ("Watson, with his customary zeal for geographical obfuscation, furnishes specific information which leads nowhere."); Dr. Karl Krejci-Graf, *Contracted Stories*, 16 BAKER STREET J. 150 (Sept. 1966); John Dardess, M.D., *On Dating of "The Valley of Fear,"* 3 BAKER STREET J. 481, 482 (Oct. 1948).

Arthur Conan Doyle had a very good handle on French, as a leading French biographer has noted, and John Watson must have had at least a working competence in French in order to perform missions for or with Holmes in France and Switzerland. *See* Pierre Nordon, CONAN DOYLE: A BIOGRAPHY 22-23 (1964; English edition 1966; U.S. prtg. 1967); *see, e.g., The Adventure of the Final Problem* (1893); *The Disappearance of Lady Frances Carfax* (1911). But many less-worldly readers of this story would have lacked that kind of easy familiarity with what was then the leading language of international relations.

To the unpracticed English (or American, or Australian, or etc.) ear, "Hôtel-Dieu, Lyon" could easily have sounded like "Hôtel Dulong." But the Hôtel Dulong did not exist in Lyon. The Hôtel-Dieu, however, did. Indeed, the Hôtel-Dieu was the most famous hospital in Lyon and one of the great institutions of health care in Europe. *See, e.g.*, W.S. Pratt, *Report on the Eighth Congress of the "Association Francaise de Chirurgie,"* in ARMY MEDICAL DEPARTMENT REPORT FOR THE YEAR 1893 at 325, 326 (1895) ("This grand hospital, with upwards of 1,000 beds, . . . was built for the use of the sick poor and for sick travellers, and up to the present day still opens its doors to the sick and wounded of all countries irrespective of nationality or place of residence."); *see also, e.g.,* Brief for Amicus Curiae American Hospital Association, *Simon v. EKWRO*, 426 U.S. 26 (1976), 1975 WL 173686, at *38 n.54 ("The oldest known hospital in Western Europe was the Hotel Dieu, ...").

So, in Lyon, anyone who came upon a "broken down" Sherlock Holmes — a sick traveller, decrepit in body and mind — would almost certainly have taken him to the appropriate hospital: the Hôtel-Dieu. Once the hospital staff identified their illustrious charge, they would have gotten word of his location and condition to Watson either directly or via the the British Vice-Consul in Lyon. *See* BAEDEKER'S SOUTHERN FRANCE 212 (1891). They probably also would have given their celebrity patient what little privacy they could by hanging a curtain around his bed. As a result, there would have been very little open floor space over which to distribute whatever congratulatory telegrams reached him at the Hôtel-Dieu, which might explain how they piled up to ankle-depth. *Cf.* Carol P. Woods, *The Curious Matter of the Congratulatory Telegrams*, 42 BAKER STREET J. 16 (Mar. 1992). *See also* LSK, Ref.:

sick-room,[45] and was relieved to find that there was nothing formidable in his symptoms. Even his iron constitution, however, had broken down under the strain of an investigation which had extended over two months, during which period he had never worked less than fifteen hours a day, and had more than once, as he assured me, kept to his task for five days at a stretch. Even the triumphant issue of his labors could not save him from reaction after so terrible an exertion, and at a time

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Memoirs, p. 138, n. 4; LSK, 1 New Ann., p. 557, n. 2.

[45] GUY MARRIOTT: We will assume for the purpose of this annotation that the story is set in April 1887, the date given by Watson. Watson tells us that he has received (presumably in London) a telegram from the French city of Lyons and that within 24 hours of its receipt, he is in Lyons, in Holmes's hotel room. Further, three days later, Holmes and Watson are back in London, at their rooms in Baker Street.

In 1887 your only option for rapid travel was by train, the journey from London to Lyons being by train from London to one of the ports of the English Channel, then by steamer to one of the French ports, and then by train from that French port to Lyons (possibly requiring a change of train in Paris, although this is not stated). The shortest ferry crossing is from Dover to Calais. The distance in a direct line from central London to Dover is some 70 miles, from Dover to Calais by ferry is nearly 27 miles, and from Calais to Lyons, via Paris, is nearly 400 miles. The distances by train are longer than the direct-line distances.

London and Dover were connected by rail by the South Eastern Railway in 1844, and by the London, Chatham and Dover Railway in 1862. Each of these companies ran its own cross-channel steamers. By the time of "The Reigate Puzzle," the South Eastern Railway trains left from Charing Cross station in London for Dover, and the London, Chatham and Dover trains left from London's Victoria station to Dover. Across the Channel, Calais was connected to Paris by rail from 1848 via Lille, and from 1867 by a faster route via Boulogne and Amiens. Paris and Lyons were connected by rail from 1854.

Until 1886 any rail journey from Calais to Lyons required a change of train in Paris, and a journey by horse cab between the Gare du Nord, where the trains from Calais arrived, and the Gare de Lyon, where the trains for Lyons departed. But commencing with the 1886/1887 winter railway timetable a through train from Calais via Paris to Lyons, Marseilles and the Côte d'Azur was introduced. This was the Calais-Méditerranée Express, which in later years came to be called the *Train Bleu*, or *Blue Train*, and continued to run until 2003.

From the story, it is clear that Dr Watson made his way to Lyons as quickly as possible, so we may assume he used the fastest train, which was the Calais-Méditerranée Express. In the 1892 timetable, leaving either Charing Cross or Victoria by train at 3:00 p.m., crossing from Dover in a steamer to Calais, and then catching the Calais-Méditerranée Express, you were at Paris Gare du Nord at 10:47 p.m. The train then slowly travelled round the Paris inner suburbs to the Gare de Lyon from where it left at 11:40 p.m., arriving in Lyons at 8:49 a.m. the following morning. Your overnight journey would be in one of the sleeping cars of the Compagnie Internationale des Wagon-Lits, which were painted blue, and gave the train its name. A journey easily accomplished within 24 hours between receipt by Watson of the telegram, and his arrival in Holmes's hotel room.

In the foreground: A Lyon street scene into which a "broken down" Holmes might have staggered. In the background: The Hôtel-Dieu, to which the ailing traveller would have been carried. See note 44. Photo courtesy of Ross E. Davies.

when Europe was ringing with his name, and when his room was literally ankle-deep with congratulatory telegrams,[46] I found him a prey to the blackest depression.[47] Even the knowledge that he had succeeded where

[46] LSK, Ref.: Memoirs, p. 138, n. 5; LSK, 1 New Ann., p. 558, n. 3.

[47] RONALD J. WAINZ: A reading of the opening passages of any of the first three Sherlock Holmes presentations to be published — *A Study in Scarlet* (1887), *The Sign of Four* (1890), *A Scandal in Bohemia* (1891) — offers medically educated readers clues that Holmes quite possibly suffers from a depressive or other mental illness. Holmes, in *A Study in Scarlet*, admits within minutes of meeting Watson some of his own personal shortcomings: "I get in the dumps at times, and don't open my mouth for days on end. You must not think I am sulky when I do that. Just let me alone, and I'll soon be right." The opening paragraph of *The Sign of Four* observes Holmes injecting himself with cocaine and mentions his forearm "all dotted and scarred with innumerable puncture-marks," with Watson estimating he had witnessed similar behavior "three times a day for many months." In *A Scandal in Bohemia*, Holmes is described in the second paragraph of the story as "alternating from week to week between cocaine and ambition, the drowsiness of the drug, and the fierce energy of his own keen spirit."

A pronounced association between depression and substance abuse disorders has been accepted in psychiatric circles, and those readers with a modicum of insight into psychiatric illness would automatically consider that Holmes might suffer from a mental illness based upon the cocaine use described. Supporting this statement is an epidemiologic review published in the *Journal of the American Medical Association* in 1990, whose authors, in a review

of greater than twenty thousand patients, calculated that 53% of those abusing drugs other than alcohol met criteria for diagnosis of mental illness. Darrel A. Regier et al., *Comorbidity of Mental Disorders With Alcohol and Other Drug Abuse: Results From the Epidemiologic Catchment Area (ECA) Study*, 264 JAMA 2511 (Nov. 21, 1990). Similarly, a meta-analysis of depression and cocaine abuse published in 2008 found a 57% concordance between the two entities. Kenneth R. Conner et al., *Meta-analysis of depression and substance use and impairment among cocaine users*, 98 DRUG & ALCOHOL DEPENDENCE 13 (Nov. 2008).

The cyclical episodes of Holmes's behavior with alternating periods of prolonged hyperactivity and lethargy described in *The Reigate Puzzle* (1893, date of activity 1887) and other stories have led some to propose that Holmes might suffer from manic-depressive disorder, first presented in 1854 as a precise and separate illness to the French Imperial Academy of Medicine by Jules Baillarger as "la folie à double forme" or "dual insanity, " and a few weeks later to the same body by Jean Pierre Falret as "folie circulaire" or "circular insanity." P. Pichot, *Circular insanity, 150 years on*, 188 BULLETIN DE L'ACADÉMIE NATIONALE DE MÉDECINE 275 (2004). References to Holmes's tendency towards spells of prolonged expansive behavior and focus that might suggest manic behavior are not uncommon. Holmes is described by Watson in *The Musgrave Ritual* (1893, date of activity 1879) as having "outbursts of passionate energy when he performed the remarkable feats with which his name is associated" followed by "reactions of lethargy, during which he would lie about with his violin and books, hardly moving." In *The Missing Three-Quarter* (1904, date of activity 1896), Watson references Holmes's brain was "so abnormally active that it was dangerous to leave it without material upon which to work." In the same story, he states that he previously "had gradually weaned Holmes from that drug mania which had threatened once to check his remarkable career," and the 1896 date of the story is thought to herald the final year of Holmes's cocaine use.

In a letter to the editor in the *Journal of the American Medical Association*, Boris Astrachan and Sandra Boltax, while defending Holmes from David Musto's suggestion of a diagnosis of paranoia, argue that Holmes likely did meet criteria for a diagnosis of manic-depressive illness, and cite the following quotation from *A Study in Scarlet*: "Nothing could exceed his energy when the working fit was upon him; but now and again a reaction would seize him, and for days on end he would lie upon the sofa in the sitting-room, hardly uttering a word or lifting a muscle from day to night." *The Cyclical Disorder Of Sherlock Holmes*, 196 JAMA 1094 (June 20, 1966) (commenting on David F. Musto, *Sherlock Holmes and Heredity*, 196 JAMA 45 (Apr. 4, 1966)).

A major criticism of the suggestion that Holmes has bipolar or manic-depressive disorder is his prolonged cocaine use. Standard diagnostic DSM-V criteria for a manic episode specifically excludes the use of a mood altering substance that might cause elevated behavior. Baring-Gould, whose dates I have used above, calculates less than a third of the sixty Holmes's adventures can be judged to occur after 1896 (THE ANNOTATED SHERLOCK HOLMES (1967)), and one can argue persuasively that the majority of the incidents that lead others to conclude that Holmes demonstrates manic tendencies therefore occurred during the years where his cocaine use could not be excluded. As such, any declaration or finding that Holmes was bipolar is of questionable authority. (Holmes is actually only described explicitly as using cocaine in five of the stories: *The Sign of Four*, *A Scandal in Bohemia*, *The Five Orange Pips*, *The Adventure of the Yellow Face*, and *The Man with the Twisted Lip*.)

the police of three countries had failed, and that he had outmaneuvered at every point the most accomplished swindler in Europe, was insufficient to rouse him from his nervous prostration.

Three days later we were back in Baker Street together,[48] but it was

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The use of cocaine by Holmes in Victorian England would not have been illegal. Some have suggested that Conan Doyle's creation of a Holmes with a predisposition to use the drug was influenced by Sigmund Freud, whose 1884 treatise "Uber Coca" described the effects of cocaine ingestion as consisting of "exhilaration and lasting euphoria, which does not differ in any way from the normal euphoria of a healthy person." Freud suggested that cocaine was not addictive and could be useful as treatment for a variety of disorders, including those affecting digestion, anemia, and long-lasting febrile illnesses, and also as a remedy to counter morphine addiction. *Über Coca*, 2 CENTRALBLATT FÜR DIE GES THERAPIE 289 (1884). Reports at the time also suggested that cocaine might be valuable as a treatment for melancholia (D.N. Pearce, *Sherlock Holmes, Conan Doyle and cocaine*, 3 J. HIST. NEUROSCIENCES 227 (1994)), and one wonders if Holmes's use of cocaine would have been an obvious and acceptable mechanism to counter the spells of obvious depression which were assigned to him by Conan Doyle. No contemporary discussion of the possibility that Holmes meets clinically diagnostic criteria for a psychiatric or medical disorder can be complete without considering that Holmes might have an Autism Spectrum Disorder (which, by 2013 DSM-V definition, includes Asberger's Syndrome). There are many, but perhaps none have more eloquently made this argument than Dr. Lisa Sanders of the Yale School of Medicine. One notes that the number of those supporting this proposition has grown exponentially with increasing attention and exposure to the television and film portrayals of Holmes over the past few decades, in which actors seem to depict Holmes in such ways as to lead the audience to consider the presence of these types of diagnoses. Whether or not these proffered syndromes are justified by Conan Doyle's written words alone is subject to question, and sometimes frenzied debate. *See, e.g.*, Lisa Sanders, *Hidden Clues*, N.Y. TIMES, Dec. 6, 2009; Sonya Freeman Loftis, *The Autistic Detective: Sherlock Holmes and his Legacy*, 34 DISABILITY STUDIES Q. no. 4 (2014); *Lisa Sanders on Sherlock Holmes and Asperger Syndrome*, I HEAR OF SHERLOCK EVERYWHERE (Jan. 2012), www.ihearofsherlock.com.

[48] GUY MARRIOTT: For the return journey, we can consider more options. Holmes was ill, and Watson tells us it was three days before they were back in London. I suggest, therefore, that the day of Watson's arrival in Lyons was taken up by him assessing his patient's condition and making the necessary travel arrangements. Perhaps railway compartments for their sole use were engaged in each train for the return journey? In any event, they left Lyons on the morning after Watson's arrival, and I suggest they spent two nights in Paris, allowing Holmes to rest and continue the improvement in his health, before returning to London on the third day. In this way, the invalid could avoid the inconvenience of trying to sleep in a noisy, swaying railway sleeping car.

By way of example, and from a slightly later timetable than that quoted above, our travellers could leave Lyons at 9:26 a.m. and arrive in Paris at 6:14 p.m. Staying two nights in a hotel, they could leave Paris at 9:00 a.m. in the morning and arrive in Calais at 12:54 p.m. By steamer they would then arrive at Dover at 2:30 p.m., and the trains left at 3:05 p.m. – the South Eastern Railway's train arriving at Charing Cross at 4:55 p.m. and the London, Chatham and Dover company's train arriving at Victoria at 4:50 p.m., in each case a horse

evident that my friend would be much the better for a change, and the thought of a week of spring-time in the country was full of attractions to me also. My old friend Colonel Hayter,[49] who had come under my professional care in Afghanistan,[50] had now taken[51] a house near Reigate[52] in Surrey,[53] and had frequently asked me to come down to him upon a visit. On the last occasion he had remarked that if my friend would only come with me he would be glad to extend his hospitality to him also.[54] A little

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cab ride and they arrive at Baker Street once more.

It only remains to consider the hotels. There is no Hotel Dulong in Lyons, and, so far as anyone can discover, never has been, although there is a Hotel Dubost, which is very close to the main Lyons railway station. Perhaps Watson changed the name for an unknown reason, or perhaps the printer could not read Watson's handwriting? Curiously, there is a rue Dulong in Paris, although not in Lyons. For their Paris hotel, there is no mention in any Sherlock Holmes story of Holmes staying in a Paris hotel. I think that after their journey from Lyons, Watson decided that it would be best to take a hotel close to the Gare du Nord, so that when they re-commenced their journey to London, they had only a short walk to the station. In that case, the Hotel du Chemin de Fer du Nord might have suited? Opposite the Gare du Nord station, with 100 rooms, a restaurant and a reading room with "Paris and Foreign Newspapers" it would be a very suitable hotel for Holmes and Watson to rest for two nights to break their return journey.

[49] LSK, Ref.: Memoirs, p. 138, n. 6.

[50] LSK, Ref.: Memoirs, p. 138, n. 7.

[51] IRA BRAD MATETSKY: In British usage, the words "had taken a house" indicate that Colonel Hayter leased, rather than purchased, the house. Watson's statement that Hayter had "frequently" invited him to visit suggests that Hayter leased the house either for a term of years, rather than for a shorter period, or for an indefinite term. If the term of the residential lease was indefinite, then either the landlord or Hayter would be required to give six months' notice before terminating it, unless expressly agreed otherwise. The annual rent would be payable in four installments on the English "quarter days" of Lady Day (Mar. 25), Midsummer Day (June 24), Michaelmas (Sept. 29), and Christmas (Dec. 25). *See generally* J.A. Morgan, THE RIGHTS AND LIABILITIES OF LANDLORDS, TENANTS AND LODGERS (1895) (survey of Victorian landlord-tenant law).

[52] THE EDITORS: Peter Blau pointed out to us that Reigate makes an appearance in another Arthur Conan Doyle work. *See* SIR NIGEL ch. 13 (1906) ("They were passing from Guildford Castle to Reigate Castle, where they were in garrison." and "They had left Boxhill and Headley Heath upon the left, and the towers of Reigate were rising amid the trees in front of them . . . ."). *See also* LSK, Ref.: Memoirs, p. 138, n. 8; OSH: Memoirs, p. 300.

[53] Most likely Rookwood, Reigate. *See* Catherine Cooke, *Introduction: The Puzzle of "The Reigate Squires,"* page 111 above.

[54] PETER H. JACOBY: The possibility of a "third man" who collaborated with the Cunninghams *père et fils* in the events at Reigate has been suggested by a few commentators. However, none of the prior scholars fully explored the abundant evidence pointing to the inescapable conclusion that the pivotal additional participant in the crimes there was Holmes's and Watson's own host at Reigate, Colonel Hayter himself. Hayter's role was so cleverly con-

diplomacy was needed, but when Holmes understood that the establishment was a bachelor one, and that he would be allowed the fullest freedom, he fell in with my plans, and a week after our return from Lyons we were under the Colonel's roof. Hayter was a fine old soldier who had seen much of the world, and he soon found, as I had expected, that Holmes and he had much in common.[55]

On the evening of our arrival we were sitting in the Colonel's gun-room after dinner, Holmes stretched upon the sofa, while Hayter and I looked over his little armory of Eastern weapons.[56]

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cealed that it was overlooked by almost all commentators; thus, D. Martin Dakin wrote that Hayter "has the curious distinction of being the only colonel, among those who crossed Holmes's path, who was respectable." *See* A SHERLOCK HOLMES COMMENTARY 117 (1972). But, as shown below, Hayter was every bit as evil as other Canonical holders of that rank, *i.e.*, Colonels Moran ("The Adventure of the Empty House"), Barclay ("The Adventure of the Crooked Man"), Walter ("The Adventure of the Bruce-Partington Plans") and Carruthers ("The Adventure of Wisteria Lodge"). THE EDITORS: Mr. Jacoby is the author of a superb article about "The Reigate Puzzle." His note here and others that appear throughout are drawn from and expand on that work. *See* Peter H. Jacoby, *The "Third Man" Problem in Reigate*, in THE NORWEGIAN EXPLORERS OF MINNESOTA CHRISTMAS ANNUAL 2014, at 16-25.

[55] JON LELLENBERG: As a long-time denizen of the Pentagon, it's interesting to me to see how Dr. Watson's military experience is reenergized by time spent with an old comrade from the Second Afghan War. The account of this case, he says, will illuminate "a fresh weapon among the many with which [Sherlock Holmes] waged his lifelong battle against crime." He inspects his friend's collection of weapons from his and Watson's campaigns ("Hayter and I looked over his little armory of Eastern weapons"). At one point he has Holmes saying that "the inspector and I have made quite a little reconnaissance together," a term more likely to come from a former army officer like Watson than from a consulting detective in London. Watson also notes that the Cunninghams' house bears the date of the battle of Malplaquet upon the lintel — that's to say, the lintel bore the date 1709, which translated automatically in Watson's mind to a battle in France of the War of the Spanish Succession. These terms, not to be found in every Sherlock Holmes story narrated by Watson, are a minor matter, but a reminder to readers that Watson was not simply a doctor, but a military veteran who'd seen service and combat before ever meeting Mr. Sherlock Holmes at the Criterion bar in London.

[56] JOYCE MALCOLM: During the heyday of Holmes and Watson almost the only group in England barred from carrying firearms were the professional police or "bobbies." Possession of personal firearms was considered an individual right and virtually unregulated. Indeed, Holmes frequently asked Watson to bring his service revolver along on dangerous assignments and armed subjects were often called upon by the police as they chased fleeing suspects. Colonel Hayter's gun-room, with its "little armory of Eastern weapons," would have contained examples of the colorful and distinctive guns produced in India and Afghanistan at the time. The colonel had come into contact with these firearms while in service in Afghanistan. Such a collection would not have been unusual. However, the Indian Arms Act

"By-the-way," said he, suddenly, "I think I'll take one of these pistols up stairs with me, in case we have an alarm."[57]

"An alarm?" said I.

"Yes; we've had a scare in this part lately. Old Acton, who is one of our county magnates, had his house broken into last Monday.[58] No great damage done, but the fellows are still at large."

"No clew?" asked Holmes, cocking his eye at the Colonel[.]

"None as yet. But the affair is a petty one — one of our little country crimes — which must seem too small for your attention, Mr. Holmes, after this great international affair."[59]

Holmes waved away the compliment, though his smile showed that it had pleased him.

"Was there any feature of interest?"

"I fancy not. The thieves ransacked the library and got very little for their pains. The whole place was turned upside down, drawers burst open and presses[60] ransacked, with the result that an odd[61] volume of Pope's[62] Homer,[63] two plated candlesticks, an ivory letter-weight, a small

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of 1878 (Parliament's response to the Indian Rebellion of 1857), regulating the manufacture, sale, and carriage of these weapons had banned their possession by nearly all Indian people. These restrictions surely made the guns more affordable for Colonel Hayter and fellow British collectors. In 1918, Ghandi labelled the Indian Arms Act "among the many misdeeds of the British rule in India," predicting that "history will look upon the Act depriving a whole nation of arms as the blackest." Today, ironically, it is the British people who are deprived of firearms by their government, and service veterans like Watson and Colonel Hayter face prison terms if they keep, let alone carry, a service revolver. *See also* LSK, Ref.: Memoirs, p. 139, n. 9; LSK, 1 New Ann., p. 559, n. 4.

[57] PETER H. JACOBY: As Tom Stix Sr. has noted, Hayter's actions were those of "a strange host." *See* Thomas L. Stix, *The Reigate Puzzler*, 13 BAKER STREET J. 93 (June 1963). If Hayter actually had been concerned about burglars, why had he not armed himself in the week since the Acton break-in, and why did he not offer similar protection to Holmes and Watson? Hayter's conduct smacks strongly of a ploy to present the details of the then-week-old Acton burglary to Holmes, despite the fact that Hayter knew he was on a medical rest holiday. *See also* LSK, Ref.: Memoirs, p. 139, n. 10.

[58] Most likely Great Doods, Reigate. *See* Catherine Cooke, *Introduction: The Puzzle of "The Reigate Squires,"* page 111 above.

[59] PETER H. JACOBY: If the Acton burglary was such a petty affair, how did Hayter display such encyclopedic recall of the spoils fully a week after the break-in? This action was highly suspicious on his part.

[60] LSK, Ref.: Memoirs, p. 139, n. 11; LSK, 1 New Ann., p. 559, n. 5.

[61] LSK, Ref.: Memoirs, p. 139, n. 12.

[62] LSK, Ref.: Memoirs, p. 139, n. 13.

oak barometer, and a ball of twine are all that have vanished."

"What an extraordinary assortment!" I exclaimed[.][64]

"Oh, the fellows evidently grabbed hold of everything they could get."

Holmes grunted from the sofa. "The county police ought to make something of that," said he. "Why, it is surely obvious that —"

But I held up a warning finger. "You are here for a rest, my dear fellow. For Heaven's sake don't get started on a new problem when your nerves are all in shreds."

Holmes shrugged his shoulders with a glance of comic resignation towards the Colonel, and the talk drifted away into less dangerous channels.

It was destined, however, that all my professional caution should be wasted, for next morning the problem obtruded itself upon us in such a way that it was impossible to ignore it, and our country visit took a turn which neither of us could have anticipated. We were at breakfast, when the Colonel's butler[65] rushed in, with all his propriety shaken out of him.

"Have you heard the news, sir?" he gasped[.] "At the Cunningham's, sir?"[66]

"Burglary?" cried the Colonel, with his coffee-cup in midair.

"Murder!"[67]

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[63] LSK, 1 New Ann., p. 559, n. 6; OSH: Memoirs, p. 300.

[64] PETER H. JACOBY: Is it likely that someone not involved as a direct participant in the allegedly unimportant crime would have a command of so many minutiae about the spoils as Hayter did? Moreover, the absence of any monetary value to the loot seems to absolve the butler of such a direct role, because he would surely have taken away items of greater value. Indeed, the very oddity of the assortment suggests that the items were deliberately selected by Hayter to pique the curiosity of Holmes, whom he knew would be visiting Reigate imminently.

[65] JOSHUA CUMBY: Colonel Hayter's butler is one of 11 anonymous butlers to appear in the Holmes canon. Eight other butlers are named in three of the novels and five of the short stories. A name is no indication of significance, however; butlers are often named but not noteworthy. *See* "The Sign of the Four" (Lal Rao); "The Dying Detective" (Staples); "The Blanched Soldier" (Ralph); "Shoscombe Old Place" (Stephens). But the remaining four named butlers are noteworthy, indeed. Both John Barrymore, the butler of Baskerville Hall, and his wife the housekeeper are important players in "The Hound of the Baskervilles," as is Ames, the butler of the Manor House in "The Valley of Fear," and Brunton, the butler of Hurlstone in "The Musgrave Ritual." And like one-time coachman Reuben Hayes in "The Priory School," see note 69, below, Mr. Hilton Soames's servant Bannister, a former butler, is a critical character in "The Three Students" (because he was formerly a butler, in fact). In none of the Holmes stories did the butler "do it." *But see* "The Musgrave Ritual."

[66] Most likely Reigate Lodge, Reigate. *See* Catherine Cooke, *Introduction: The Puzzle of "The Reigate Squires,"* page 111 above.

[67] PETER H. JACOBY: How had the butler learned so speedily of events at the Cunninghams' only hours before? Surely the squire and his son would not have spoken with anyone of

The Colonel whistled. "By Jove!" said he. "Who's killed, then? The J.P.[68] or his son?"

"Neither, sir. It was William the coachman.[69] Shot through the heart, sir, and never spoke again."

"Who shot him, then?"

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such low station, and the police did not arrive at Hayter's home until after the butler had delivered his account. Does this point to some deeper involvement of this servant in the crime, either as a principal or a co-conspirator? Is this a case where truly "the butler did it," as James Chase speculated in *Did Holmes Get It Wrong in "The Reigate Squires"*? *See* kspot.org/holmes/reigate.htm.

[68] LSK, Ref.: Memoirs, p. 140, n. 14; OSH: Memoirs, p. 301.

[69] JOSHUA CUMBY: Given their setting in a time when most folks did most of their traveling by foot, rail, or horse-drawn conveyance, it is not surprising that a "coachman" appears in two of the four Holmes novels (*The Sign of the Four* and *The Hound of the Baskervilles*) and 12 of the 56 short stories. But what is a "coachman"? A private driver, like William Kirwan; a driver-for-hire, like a "cabby"; or both? In "A Scandal in Bohemia," Miss Irene Adler's "coachman," a member of her household named John, hastily drives her to St. Monica's for her wedding to Mr. Godfrey Norton. Holmes follows, but he is driven by a man he hails in the street and that he calls both a "driver" and a "cabby." But in "The Final Problem," a disguised Mycroft Holmes spirits Dr. Watson from Lowther Arcade to Victoria Station in a brougham to meet his brother Sherlock, who is also traveling incognito to elude Professor Moriarty. When Sherlock asks Watson, "Did you recognize your coachman?", he is not suggesting that Mycroft is his servant, particularly given his statement that Mycroft's confederacy provides him an "advantage to get about in such a case without taking a mercenary into [his] confidence." So, we can deduce that "coachman" is a flexible term. And that flexibility extends to the kinds of coaches they man. *See, e.g.*, "The Sign of the Four" (a four-wheeler); "A Scandal in Bohemia" (a landau); "The Illustrious Client" (a brougham); "Shoscombe Old Place" (a carriage).

In most instances, "coachmen" are either purely functional or simply acknowledged to exist. *See, e.g.*, "The Silver Blaze" ("Drive on, coachman!"); "The Greek Interpreter" ("The poor girl, however, was herself a prisoner, for there was no one about the house except the man who acted as coachman, and his wife, both of whom were tools of the conspirators."); "The Illustrious Client" ("A brougham was waiting for him. He sprang in, gave a hurried order to the cockaded coachman, and drove swiftly away."); "Shoscombe Old Place" ("'Drive on! Drive on!' shrieked a harsh voice. The coachman lashed the horses, and we were left standing in the roadway.").

William is the only "coachman" to meet his end in a Holmes story and one of the few Conan Doyle bothered to name: as mentioned above, in "A Scandal in Bohemia," the coachman's name is John, and in "The Creeping Man," the coachman who sleeps over the stables at the inn called Chequers in the university town of Camford is named Macphail. And apart from William, the only other prominent canonical "coachmen" are the unnamed coachman in "The Crooked Man," a key witness and player in that drama, and Reuben Hayes, one-time head coachman to the Duke of Holdernesse and an important character in "The Priory School."

Reigate Lodge, the likely home of Alec Cunningham and his father. *See* Catherine Cooke, *The Puzzle of "The Reigate Squires,"* page 111 above. Photo copyright and courtesy of the Surrey History Centre.

"The burglar, sir. He was off like a shot and got clean away. He'd just broke in at the pantry window, when William came on him, and met his end in saving his master's property."[70]

"What time?"

"It was last night, sir, somewhere about twelve."

"Ah, then we'll step over afterwards," said the Colonel, coolly settling down to his breakfast again.[71] "It's a baddish business," he added, when the butler had gone. "He's our leading man[72] about here, is old Cunningham, and a very decent fellow too. He'll be cut up over this, for the man

[70] PETER H. JACOBY: Clearly, the butler was not an eyewitness to Kirwan's murder, because otherwise he would not have misidentified the location where the body was found as the pantry window, rather than at the rear door. And Holmes never questioned this glaring discrepancy in the butler's account.

[71] PETER H. JACOBY: Hayter's cool demeanor over breakfast following the butler's narrative of burglary and murder stands in notable contrast to his alleged — and undoubtedly feigned — anxiety over the mere possibility of a break-in that he expressed to Holmes and Watson only the previous evening.

[72] LSK, Ref.: Memoirs, p. 140, n. 15; LSK, 1 New Ann., p. 561, n. 7.

has been in his service for years, and was a good servant. It's evidently the same villains who broke into Acton's."[73]

"And stole that very singular collection," said Holmes, thoughtfully.

"Precisely."

"Hum! It may prove the simplest matter in the world, but all the same at first glance this is just a little curious, is it not? A gang of burglars acting in the country might be expected to vary the scene of their operations, and not to crack two cribs[74] in the same district within a few days. When you spoke last night of taking precautions I remember that it passed through my mind that this was probably the last parish in England to which the thief or thieves would be likely to turn their attention — which shows that I have still much to learn."[75]

"I fancy it's some local practitioner," said the Colonel. "In that case, of course, Acton's and Cunningham's are just the places he would go for, since they are far the largest about here."

"And richest?"

"Well, they ought to be, but they've had a lawsuit for some years, which has sucked the blood out of both of them, I fancy. Old Acton has

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[73] PETER H. JACOBY: Hayter's use of the plural, when the butler had identified only a single burglar, is notable. Hayter was aware that both Cunninghams were complicit in the murder, but his telling slip of the tongue was overlooked by Holmes.

[74] OSH: Memoirs, p. 301.

[75] IRA BRAD MATETSKY: Holmes appears to use the word "parish" here as an informal reference to the Reigate area, rather than in a more precisely defined way. In 1887 (the year of the story), as in 1893 (the year of publication), "parish" as used in English government had two distinct legal senses, civil and ecclesiastical. Historically, parish boundaries were originally derived from manorial ones. By the seventeenth century, parish authorities had some governmental responsibilities including authority to levy a "rate" (tax) for the support of the poor, but during the nineteenth century, some of their powers were diverted to other governing units. The Poor Law Amendment of 1866 (29 & 30 Vict., c. 113, § 18) designated all geographical areas that levied a separate poor-rate as civil parishes, no longer coextensive with Church of England parishes, now designated as "ecclesiastical parishes." As of 1893, there were 13,775 ecclesiastical parishes and nearly 15,000 civil parishes in the 62 counties of England and Wales. Soon after the events of "The Reigate Puzzle," the system of parishes was rationalized by the Local Government Act 1894 (56 & 57 Vict., c. 73), which realigned parish boundaries so they did not cross district lines, established elected parish councils in rural areas, and granted the parishes additional responsibilities. Today, the local governmental district of Reigate and Bansted, into which the Reigate Municipal Borough was merged in 1974, is designated as an unparished area, with local government responsibilities handled at the district and county levels. *See generally* en.wikipedia.org/wiki/Civil_parishes_in_England and en.wikipedia.org/wiki/Local_Government_Act_1894.

some claim on half Cunningham's estate, and the lawyers have been at it with both hands."[76]

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[76] HARTLEY R. NATHAN: We know that Doyle used names of acquaintances and events he might have seen in some newspaper story or book he might have read. The names "Acton" and "Cunningham" warrant some comment. While we are not told father Cunningham's first name, the son's name is "Alec." Donald Redmond refers to a "Sir Alexander Cunningham" who died in 1893. However, he discounts him as a source for the name as there was no immediate connection with Doyle.

Redmond identified the "Cunninghams" as graduates of Edinburgh University and possible acquaintances of Doyle. He points out in fact they achieved medical degrees in 1878 and 1886. This makes it likely Doyle would have known them or about them. Doyle entered Edinburgh University Medical School in 1876 and graduated in 1881. SHERLOCK HOLMES, A STUDY IN SOURCES (1982). Another possibility is one William Cunningham (1849-1919), Scottish economist born in Edinburgh and educated at Edinburgh University and Cambridge. He was the author of the *Pioneering Growth of English Industry and Commerce* (1882). There does not appear to be any reference to him in any biographies of Doyle.

As for "Acton," Redmond says it was from Lord Acton (1832-1902). He was an English Catholic historian and politician and a contemporary of Doyle. He is best remembered today for his quotation: "Power tends to corrupt and absolute power corrupts absolutely." But I have another thought in this regard. In *A Study in Scarlet*, Watson says of Holmes: "He appears to know every detail of every horror perpetrated in the century."

There is one such horror called "*The Acton Atrocity, 1880.*" Twenty-nine-year-old George Pavey was sentenced to death by Mr. Justice Hawkins at the Old Bailey for the murder of 10-year-old Ada Shepherd in Acton, a London suburb. The young girl's father had left her alone in the house with Pavey while he went out. When he returned he found the child dead with her throat cut. She had also been violently raped. Pavey disappeared but was later arrested in Hendon, also a London suburb, in a workhouse, wearing bloodstained clothing. His plea of not guilty was unsuccessful and he was hanged at Newgate in December 1880. At the trial, the forensic specialist, Dr. Thomas Bond, testified for the prosecution that the bloodstains on the accused's clothing came from "mammal blood." Compare this to Sherlock Holmes in the lab at St. Barts referring to the fact that there was no reliable test for human versus other mammalian blood even as of 1887 when the story was set or even 1893 when the story was published in *The Strand*. *See* Hartley R. Nathan, WHO WAS JACK THE RIPPER? 27 & 75 (2011). Doyle could relate to the evidence in the Pavey case. The case could well have been the inspiration for Doyle's use of "Acton" as a name.

As to the *Acton v. Cunningham Estates* case itself, we hear no more about the substance of the case until Holmes accuses the Cunninghams of staging a break-in at Acton's. Acton says he has the "clearest claim" upon half their present estate. The Cunninghams attempted to recover a single paper "which would have crippled our case." It seems most likely to be a land claim.

In 1887 such a lawsuit would have been conducted in the Chancery Division of the High Court of Justice. Judicature Act 1873 (36 and 37 Vict c. 66) § 1.1. (A diligent review of British cases from 1800 to 1892 does not disclose any such case. Incidentally, a case in Chancery still took a long time to get to Court notwithstanding the reforms brought about by the Act. In 1887 there were only five trial judges in the Chancery Division in the whole country.)

What case, if any, was Doyle likely to be thinking about when he describes the action? One's first instinct is to consider *Jarndyce v. Jarndyce* in Dickens' *Bleak House*, his fictional case in Chancery. *Bleak House* was written in 1852-3 and set in 1827. William S. Holdsworth, CHARLES DICKENS AS A LEGAL HISTORIAN (1928). *Jarndyce v. Jarndyce* concerns the fate of a large inheritance. The case had dragged on for many generations, so that, when it is resolved late in the narrative, legal costs have devoured the whole estate. Dickens used it to attack the Chancery Court system as being near totally worthless. Here is how it has been described:

> Chancery was outdated, ramshackle, complacent and parasitical in the number of legal functionaries of all levels living upon the delays, obscurities and costs of litigation; by a slow and cruel process it destroyed the souls and bodies of those who became involved (often through no more active intent than by being named as beneficiaries in contested wills) in its machinery.

Angus Wilson, THE WORLD OF CHARLES DICKENS 231 (1970). *Jarndyce v. Jarndyce* has been referred to in at least 25 Canadian legal cases and in several Australian legal cases. *See* Leslie Katz, *Bleak House in Australian Reasons for Judgment* (Oct. 3, 2015), papers.ssrn.com/sol3/papers.cfm?abstract_id=1337347. One such case was that of *Tyler v. Custom Credit Corp. Ltd. and Ors.* 2000 QCA 178; *see also DPP (SA) v. B.* (1998) 194 CLR 566, and other cases cited by Katz, *ibid.* Atkinson J. stated in the decision:

> Unnecessary delay in proceedings has a tendency to bring the legal system into disrepute and to decrease the chance of there being a fair and just result. The futility of self-perpetuating nature of some litigation was viciously satirised by Charles Dickens in *Bleak House*.

There is no doubt Doyle had read Dickens, especially *Bleak House*. *See* R. Miller, THE ADVENTURES OF ARTHUR CONAN DOYLE 108-9 (2009). It is accepted by most, if not all, commentators that Doyle was influenced by Dickens' Inspector Bucket, Poe's Dupin, Gaboriau (Lecoq), Collins (Sergeant Cuff) and others. His letters are replete with references to Dickens. *See* Jon Lellenberg, Daniel Stashower and Charles Foley, ARTHUR CONAN DOYLE: A LIFE IN LETTERS 95, 101, 143, etc. (2007).

So a compelling argument can be made that *Jarndyce v. Jarndyce* was the role model for *Acton v. Cunningham's Estate*.

Other writers have suggested cases that could be considered as possible models for *Acton v. Cunningham's Estate*: William Jennens died a fabulously wealthy man in England in 1798. His death led to the litigation which in turn has been cited as the model for *Jarndyce v. Jarndyce*. *See* Patnel Polden, *Stranger than Fiction? The Jennens Inheritance in Fact and Fiction*, 32 COMMON LAW WORLD REV. 211 (2003). He was also known as "The Miser of Acton." *Ibid.* His obituary is interesting, especially the reference to "Acton Place." It reads:

> Died, 19 June, in his 97th year, Wm. Jennens, of Acton Place, near Long Melford, in the county of Suffolk, and of Grosvenor Square, Esq. He was baptized in September 1701, and was the son of Robert Jennens, Esq., Aide-de-Camp to great Duke of Marborough (by Anne, his wife, and daughter of Carew Guidott, Esq., lineally descended from Sir Anthony Guidott, Knight, a noble Florentine, employed on sundry embassies by King Edward VI), grandson of Humphrey Jennens of Edington Hall, in the county of Warwick, Esq., Lord of the Manor of Nether Whitacre in that county in 1680 and an eminent ironmaster of Birmingham. King William III was godfather to late Mr. Jennens.

"If it's a local villain there should not be much difficulty in running him down," said Holmes, with a yawn. "All right, Watson, I don't intend to meddle."

"Inspector Forrester, sir," said the butler, throwing open the door.

The official, a smart, keen-faced young fellow, stepped into the room. "Good-morning, Colonel," said he. "I hope I don't intrude, but we hear that Mr. Holmes of Baker Street is here."[77]

The Colonel waved his hand towards my friend, and the Inspector bowed.

"We thought that perhaps you would care to step across, Mr. Holmes."

"The fates[78] are against you, Watson," said he, laughing. "We were chatting about the matter when you came in, Inspector. Perhaps you can let us have a few details." As he leaned back in his chair in the familiar attitude I knew that the case was hopeless.

"We had no clew in the Acton affair. But here we have plenty to go on, and there's no doubt it is the same party in each case. The man was seen."

"Ah!"

"Yes, sir. But he was off like a deer, after the shot that killed poor William Kirwan was fired. Mr. Cunningham saw him from the bedroom window, and Mr. Alec Cunningham saw him from the back passage.[79] It was quarter to twelve when the alarm broke out. Mr. Cunningham had just got into bed, and Mr. Alec was smoking a pipe in his dressing-gown[.] They both heard William the coachman calling for help, and Mr. Alec he ran down to see what was the matter. The back door was open, and as he came to the foot of the stairs he saw two men wrestling together outside.

See en.wikipedia.org/wiki/William_Jennens (referring to Jennens being known as "The Miser of Acton"). There is yet another case, namely *Willis v. Earl Howe*, which has also been referred to as a model for *Acton . Cunningham Estates*. 43 *The Law Times Reports* 375 (Ch.) (1881); *see also* Katz, *supra* (referring to Atkinson J.'s judgment in the *Tyler* case, where she mentions this in a footnote). It was a spinoff of the Jennen case. I can see no reason why Doyle would have known about either of these cases.

Whatever was the real model for the case of *Acton v. Cunningham Estates*, the oft-used phrase "this case is another *Jarndyce v. Jarndyce*" will be hard to displace.

[77] PETER H. JACOBY: Holmes never inquired how Forrester became aware of his presence in Reigate, although he and Watson had arrived only the previous day. Watson, who wanted Holmes to have complete rest, would scarcely have left word of their whereabouts. But Hayter, anticipating the Kirwan murder, could easily have been the source of Forrester's information.

[78] LSK, Ref.: Memoirs, p. 141, n. 16.

[79] OSH: Memoirs, p. 301.

One of them fired a shot, the other dropped, and the murderer rushed across the garden and over the hedge. Mr. Cunningham, looking out of his bedroom window, saw the fellow as he gained the road, but lost sight of him at once, Mr. Alec stopped to see if he could help the dying man, and so the villain got clean away. Beyond the fact that he was a middle-sized man and dressed in some dark stuff we have no personal clew, but we are making energetic inquiries, and if he is a stranger we shall soon find him out."

"What was this William doing there? Did he say anything before he died?"

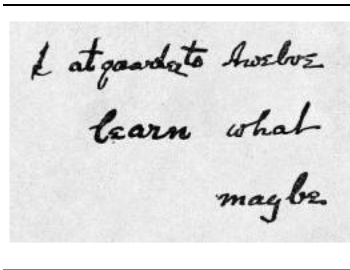
"Not a word. He lives at the lodge with his mother, and as he was a very faithful fellow, we imagine that he walked up to the house with the intention of seeing that all was right there. Of course this Acton business has put every one on his guard. The robber must have just burst open the door — the lock has been forced — then William came upon him."

"Did William say anything to his mother before going out?"

"She is very old and deaf, and we can get no information from her. The shock has made her half-witted, but I understand that she was never very bright. There is one very important circumstance, however. Look at this!"

He took a small piece of torn paper from a note book and spread it out upon his knee. "This was found between the finger and thumb of the dead man. It appears to be a fragment torn from a larger sheet. You will observe that the hour mentioned upon it is the very time at which the poor fellow met his fate. You see that his murderer might have torn the rest of the sheet from him, or he might have taken this fragment from the murderer. It reads almost as though it were an appointment."

Holmes took up the scrap of paper, a fac-simile of which is here reproduced:


d at quarter to twelve
learn what
maybe

"Presuming that it is an appointment," continued the Inspector, "it is of course a conceivable theory that this William Kirwan — though he had

the reputation of being an honest man, may have been in league with the thief. He may have met him there, may even have helped him to break in the door, and then they may have fallen out between themselves."

"This writing is of extraordinary interest," said Holmes, who had been examining it with intense concentration. "These are much deeper waters than I had thought." He sank his head upon his hands, while the Inspector smiled at the effect which his case had had upon the famous London specialist.

"Your last remark," said Holmes, presently, "as to the possibility of there being an understanding between the burglar and the servant, and this being a note of appointment from one to the other, is an ingenious and not entirely impossible supposition. But this writing opens up —" He sank his head into his hands again, and remained for some minutes in the deepest thought. When he raised his face again I was surprised to see that his cheek was tinged with color, and his eyes as bright as before his illness. He sprang to his feet with all his old energy.

"I'll tell you what," said he, "I should like to have a quiet little glance into the details of this case. There is something in it which fascinates me extremely. If you will permit me, Colonel, I will leave my friend Watson and you, and I will step round with the Inspector to test the truth of one or two little fancies of mine. I will be with you again in half an hour."

An hour and a half had elapsed before the Inspector returned alone.

"Mr. Holmes is walking up and down in the field outside," said he. "He wants us all four to go up to the house together."

"To Mr. Cunningham's?"

"Yes, sir."

"What for?"

The Inspector shrugged his shoulders. "I don't quite know, air. Between ourselves I think Mr. Holmes has not quite got over his illness yet. He's been behaving very queerly, and he is very much excited."

"I don't think you need alarm yourself," said I. "I have usually found that there was method in his madness."[80]

"Some folk might say there was madness in his method," muttered the Inspector. "But he's all on fire to start, Colonel, so we had best go out, if you are ready."

We found Holmes pacing up and down in the field, his chin sunk up-

[80] LSK, 1 New Ann., p. 565, n. 8; OSH: Memoirs, p. 301.

on his breast, and his hands thrust into his trousers pockets.

"The matter grows in interest," said he. "Watson, your country trip has been a distinct success. I have had a charming morning."

"You have been up to the scene of the crime, I understand," said the Colonel.

"Yes. The Inspector and I have made quite a little reconnoissance [*sic*] together."

"Any success?"

"Well, we have seen some very interesting things. I'll tell you what we did as we walk. First of all we saw the body of this unfortunate man. He certainly died from a revolver wound, as reported."

"Had you doubted it, then?"

"Oh, it is as well to test everything. Our inspection was not wasted. We then had an interview with Mr. Cunningham and his son, who were able to point out the exact spot where the murderer had broken through the garden hedge in his flight. That was of great interest."

"Naturally."

"Then we had a look at this poor fellow's mother. We could get no information from her, however, as she is very old and feeble."

"And what is the result of your investigations?"

"The conviction that the crime is a very peculiar one. Perhaps our visit now may do something to make it less obscure. I think that we are both agreed, Inspector, that the fragment of paper in the dead man's hand, bearing, as it does, the very hour of his death written upon it, is of extreme importance."

"It should give a clew, Mr. Holmes."

"It *does* give a clew. Whoever wrote that note was the man who brought William Kirwan out of his bed at that hour. But where is the rest of that sheet of paper?"

"I examined the ground carefully in the hope of finding it," said the Inspector.

"It was torn out of the dead man's hand. Why was some one so anxious to get possession of it? Because it incriminated him. And what would he do with it? Thrust it into his pocket most likely, never noticing that a corner of it had been left in the grip of the corpse. If we could get the rest of that sheet it is obvious that we should have gone a long way towards solving the mystery."

"Yes; but how can we get at the criminal's pocket before we catch the criminal?"

"Well, well, it was worth thinking over. Then there is another obvious point. The note was sent to William. The man who wrote it could not have taken it; otherwise, of course, he might have delivered his own message by word of mouth. Who brought the note, then? Or did it come through the post?"

"I have made inquiries," said the Inspector. "William received a letter by the afternoon post yesterday. The envelope was destroyed by him."[81]

"Excellent!" cried Holmes, clapping the Inspector on the back. "You've seen the postman. It is a pleasure to work with you. Well, here is the lodge, and if you will come up, Colonel, I will show you the scene of the crime."

We passed the pretty cottage where the murdered man had lived, and walked up an oak-lined avenue to the fine old Queen Anne house,[82] which bears the date of Malplaquet[83] upon the lintel of the door. Holmes and the Inspector led us round it until we came to the side gate, which is separated by a stretch of garden from the hedge which lines the road. A constable was standing at the kitchen door.

"Throw the door open, officer," said Holmes.[84] "Now it was on those stairs that young Mr. Cunningham stood and saw the two men struggling just where we are.[85] Old Mr. Cunningham was at that window — the

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[81] CATTLEYA M. CONCEPCION: The letter that William received was one of 3.4 letters delivered on average to each person in the United Kingdom during the month of April 1887. THIRTY-FOURTH REPORT OF THE POSTMASTER GENERAL ON THE POST OFFICE 1 (1888). The letter was at most 18 x 9 inches, the maximum length and height allowed by the Post Office. POST OFFICE GUIDE, No. 102, at 2 (October 1881); POST OFFICE GUIDE, No. 162, at 3 (October 1896). Like letters today in the United Kingdom, the postage stamp would have been placed on the front of the envelope in the upper right corner above the address. POST OFFICE GUIDE, No. 102, at 12; POST OFFICE GUIDE, No. 162, at 9. To address a letter in 1887, the sender would have given the name of the post town as the last part of the address. So, William's letter would have ended with "Reigate" to complete the address. POST OFFICE GUIDE, No. 102, at 16, 53; POST OFFICE GUIDE, No. 162, at 41, 181. If William had not destroyed the envelope, it might have led directly to his murderer, as letters were supposed to include the sender's address in case of non-delivery. POST OFFICE GUIDE, No. 102, at 16; POST OFFICE GUIDE, No. 162, at 35.

[82] LSK, Ref.: Memoirs, p. 144, n. 17.

[83] LSK, Ref.: Memoirs, p. 144, n. 18; LSK, 1 New Ann., p. 566, n. 9; OSH: Memoirs, p. 301.

[84] LSK, Ref.: Memoirs, p. 144, n. 19.

[85] PETER H. JACOBY: "Just where we are" — at the kitchen door — and not at the pantry window, where Hayter's butler had said the break-in occurred. Holmes seems to take no notice of this discrepancy.

Great Doods, Reigate, the likely home of Mr. Acton. *See* Catherine Cooke, *The Puzzle of "The Reigate Squires,"* page 111 above. Photo courtesy of Keith Jaggers.

second on the left — and he saw the fellow get away just to the left of that bush. So did the son. They are both sure of it on account of the bush. Then Mr. Alec ran out and knelt beside the wounded man. The ground is very hard, you see, and there are no marks to guide us."

As he spoke, two men came down the garden path from round the angle of the house. The one was an elderly man with a strong, deep-lined, heavy-eyed face, the other a dashing young fellow whose bright smiling expression and showy dress were in strange contrast with the business which had brought us there.

"Still at it, then?" said he to Holmes. "I thought you Londoners were never at fault. You don't seem to be so very quick, after all."

"Ah, you must give us a little time," said Holmes, good-humoredly.

"You'll want it," said young Alec Cunningham. "Why, I don't see that we have any clew at all."

"There's only one," answered the Inspector. "We thought that if we could only find — Good heavens, Mr. Holmes, what is the matter?"

My poor friend's face had suddenly assumed the most dreadful expression. His eyes rolled upwards, his features writhed in agony, and with

a suppressed groan he dropped on his face upon the ground.[86] Horrified at the suddenness and severity of the attack, we carried him into the kitchen, where he lay back in a large chair and breathed heavily for some minutes. Finally, with a shamefaced apology for his weakness, he rose once more.

"Watson would tell you that I have only just recovered from a severe illness," he explained. "I am liable to these sudden nervous attacks."

"Shall I send you home in my trap?" asked old Cunningham.

"Well, since I am here, there is one point on which I should like to feel sure. We can very easily verify it."

"What is it?"

"Well, it seems to me that it is just possible that the arrival of this poor fellow, William, was not before but after the entrance of the burglar

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[86] RONALD J. WAINZ: For that legion whose goal is to assign Holmes a medical diagnosis, this spell, as described by Doyle, is suggestive of the symptoms of cataplexy, which is associated with the diagnosis of narcolepsy. Cataplexy is defined as the sudden uncontrollable onset of skeletal muscle paralysis or weakness during wakefulness that usually follows a strong emotional stimulus, such as elation, surprise, or anger. Yves Dauvilliers et al., *Cataplexy—clinical aspects, pathophysiology and management strategy*, 10 NATURE REVIEWS NEUROLOGY 386 (July 2014). The behavior of cataplexy is involuntary to the afflicted. Narcolepsy is a disorder of excessive sleepiness. Common findings in narcolepsy are sleep paralysis (the feeling that one is awake but paralyzed, which usually occurs at either sleep onset or sleep awakening), and hypnogognic hallucinations (dreamlike and often vivid hallucinations that occur at the boundary between wake and sleep, which can be visual or auditory or olfactory in nature). The primary symptom of narcolepsy is excessive daytime sleepiness, and it is fairly common, affecting one in two thousand of the population. Christian R. Burgess & Thomas E. Scammell, *Narcolepsy: Neural Mechanisms of Sleepiness and Cataplexy*, 32 J. NEURO-SCIENCE 12305 (Sept. 5, 2012).

Certain genetic markers (HLA DQB1*0602) and low levels in spinal fluid of the neuro-chemical hypocretin have been linked to the diagnosis of narcolepsy, which is confirmed with a diagnostic overnight sleep study (polysomnogram) followed by a next-day series of five napping episodes with measurement of time to sleep onset (multiple sleep latency test). Patients diagnosed with narcolepsy generally have normal overnight sleep, and their nap studies demonstrate quick onset of sleep (i.e., they are excessively sleepy) in association with rapid eye movement (REM) in two of the five twenty minute naps (also known as sleep onset REM). These findings of REM sleep (the stage of sleep in which dreaming occurs) during these naps are consistent with the disrupted boundaries between sleep and wake-fulness and dreaming that are thematic in the presence of narcolepsy. Gbolagade Sunmaila Akintomide & Hugh Rickards, *Narcolepsy: a review*, 7 NEUROPSYCHIATRIC DISEASE & TREATMENT 507 (2011). Patients presenting for evaluation of sleepiness often undergo drug testing during their sleep studies to exclude the possibility that use of sedating or stimulant medication is influencing the outcome of the diagnostic evaluation of hypersomnolence.

into the house. You appear to take it for granted that although the door was forced, the robber never got in."

"I fancy that is quite obvious," said Mr. Cunningham, gravely. "Why, my son Alec had not gone to bed, and he would certainly have heard any one moving about."

"Where was he sitting?"

"I was smoking in my dressing-room."

"Which window is that?"

"The last on the left, next my father's."

"Both of your lamps were lit, of course?"

"Undoubtedly."

"There are some very singular points here," said Holmes, smiling. "Is it not extraordinary that a burglar — and a burglar who had had some previous experience — should deliberately break into a house at a time when he could see from the lights that two of the family were still afoot?"

"He must have been a cool hand."

"Well, of course, if the case were not an odd one we should not have been driven to ask you for an explanation," said young Mr. Alec. "But as to your idea that the man had robbed the house before William tackled him, I think it a most absurd notion. Wouldn't we have found the place disarranged and missed the things which he had taken?"

"It depends on what the things were," said Holmes. "You must remember that we are dealing with a burglar who is a very peculiar fellow, and who appears to work on lines of his own. Look, for example, at the queer lot of things which he took from Acton's — what was it? — a ball of string, a letter-weight, and I don't know what other odds and ends."

"Well, we are quite in your hands, Mr. Holmes," said old Cunningham. "Anything which you or the Inspector may suggest will most certainly be done."

"In the first place," said Holmes. "I should like you to offer a reward — coming from yourself; for the officials may take a little time before they would agree upon the sum, and these things cannot be done too promptly. I have jotted down the form here, if you would not mind signing it. Fifty pound was quite enough, I thought."

"I would willingly give five hundred," said the J.P., taking the slip of paper and the pencil which Holmes handed to him. "This is not quite correct, however," he added, glancing over the document.

"I wrote it rather hurriedly."

"You see you begin: 'Whereas, at about a quarter to one on Tuesday morning an attempt was made,' and so on. It was at a quarter to twelve as a matter of fact."

I was pained at the mistake, for I knew how keenly Holmes would feel any slip of the kind. It was his speciality to be accurate as to fact, but his recent illness had shaken him, and this one little incident was enough to show me that he was still far from being himself. He was obviously embarrassed for an instant, while the Inspector raised his eyebrows, and Alec Cunningham burst into a laugh. The old gentleman corrected the mistake, however, and handed the paper back to Holmes.

"Get it printed as soon as possible," he said. "I think your idea is an excellent one."

Holmes put the slip of paper carefully away into his pocket-book.[87]

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[87] LOU LEWIS: The hyphen appearing between the words "pocket" and "book" immediately suggests something other than a conventional pocketbook — such as those leather products typically carried in the 20th century by members of the fair sex. "From the 17th century to the late 19th century, most women had at least one pair of pockets, which served a similar purpose as a handbag does today." *A history of pockets*, www.vam.ac.uk/content/articles/a/history-of-pockets/. They were cloth bags usually worn underneath their petticoats. A doll displayed at the Victoria and Albert Museum, dressed in the clothes of the 1690s, wears two layers of undergarments beneath her petticoat — a shift then an under-petticoat. Her pocket is tied round her waist, in between her under-petticoat and petticoat. It was accessed by an opening in the petticoat. Women kept a wide variety of objects in their pockets. In the days when people often shared bedrooms and household furniture, a pocket was sometimes the only private, safe place for small personal possessions. Eventually, the "pocket" came out and was carried as a bag on the wrist. *See id*. In a blog entry by Luanne von Schneidemesser at *Separated by a Common Language*, we find an analysis of the word *purse* and its synonyms in a 1980 piece for *American Speech*. *See* separatedbyacommonlanguage.blogspot.com/2006/09/purses-and-bags.html. Here we learn that a "Pocket-book was originally a small book that could be carried in the pocket."

Men didn't wear separate pockets, as theirs were sewn into the linings of their coats, waistcoats and breeches. For a more elaborate examination of men's clothing of the period see Ruth Goodman, HOW TO BE A VICTORIAN (A DAWN-TO-DUSK GUIDE TO VICTORIAN LIFE) 29 et seq. It is significant that "By 1876 a gentlemen's coat and trousers had become straight; almost tube-like in their fit." *Id*. 47 fig. 14.

The *Oxford English Dictionary* shows that by 1685, a pocket-book was understood to be a "book for notes, memoranda, etc. intended to be carried in the pocket; a notebook; also a book-like case of leather having compartments for papers, bank-notes, bills, etc." (Note the re-emergence of the hyphen.) Clearly this was a book of a size conveniently carried in a pocket. The OED also notes "pocketbook" as *chiefly US*. Perhaps Holmes's pocket-book also contained "a trifling monograph" on some arcane subject. *The Adventure of the Dancing Men*.

"And now," said he, "it really would be a good thing that we should all go over the house together and make certain that this rather erratic burglar did not, after all, carry anything away with him."

Before entering, Holmes made an examination of the door which had been forced. It was evident that a chisel or strong knife had been thrust in and the lock forced back with it.[88] We could see the marks in the wood where it had been pushed in.

"You don't use bars, then?" he asked.

"We have never found it necessary."

"You don't keep a dog?"

"Yes, but he is chained on the other side of the house."[89]

In any event it was certainly a far superior place for keeping notes than scribbling on one's cuff. *The Hound of the Baskervilles*.

[88] JOSHUA CUMBY: By 1887, "ingenious tools to pick locks, loosen fastenings, open shutters and doors, and rob safes" were available to burglars, including various chisels. *See, e.g., On Burglars' Tools*, THE MANUFACTURER AND BUILDER, May 1874, at 108; *see also id., A "Kit" of Burglars' Tools* figs. 4, 5. The "Kit" is reproduced in its entirety on page 150 below. *See also* LSK, 1 New Ann., p. 571.

[89] CLIFFORD S. GOLDFARB: Holmes is thinking that any dog would have barked at an intruder. If the dog had been close enough its failure to bark might have pointed to an "inside job." The "Reigate Puzzle" was published only a few months after "The Adventure of Silver Blaze" (Dec. 1892), in which the actions of a dog led him to the solution of a mystery. Conan Doyle was later to write another story in which a barking dog played a significant part, "The Adventure of Shoscombe Old Place" (Apr. 1927). In each case, a fortune is riding on the winner of a horse race, and in each case it is possible that the favourite will not be able to start the race. Each story features the mysterious death of someone connected to the favourite, and each mystery is solved because Holmes observes the unusual behavior of a dog. Moreover, in each case, Holmes utters a remarkable epigram — of the type that Monsignor Ronald Knox famously categorized as a "Sherlockismus," that is: "Any of several kinds of memorable quotations or turns of phrase attributed to, or characteristic of, Sherlock Holmes." The proposed definition was offered by Jon Lellenberg in *And Now, a Word from Arthur Conan Doyle*, www.bsiarchivalhistory.org/BSI_Archival_History/ACD_Word.html. Lellenberg attributed the term's origin to Ronald Knox: "There is a special kind of epigram, known as the Sherlockismus, of which the indefatigable Ratzegger has collected no less than one hundred and seventy-three instances." Ronald A. Knox, *Studies in the Literature of Sherlock Holmes*, in ESSAYS IN SATIRE 175 (1928). John Dickson Carr defined it as an "enigmatic clue": "Call this Sherlockismus; call it any fancy name; the fact remains that it is a clue, and a thundering good clue at that . . . . The creator of Sherlock Holmes invented it; and nobody . . . has ever done it half so well." THE LIFE OF SIR ARTHUR CONAN DOYLE 234-5 (1949). In "Silver Blaze," Inspector Gregory of Scotland Yard triggers the remarkable epigram:

> "Is there any other point to which you would wish to draw my attention?"
> "To the curious incident of the dog in the night-time."

> "The dog did nothing in the night-time."
>
> "That was the curious incident," remarked Sherlock Holmes.

Holmes has deduced from the dog's failure to bark that the abduction of the horse was an inside job. (According to Karen Murdoch, the second and third lines constitute an epistrophe — "repetition of the same word or group of words at the ends of successive clauses." *Figures of Speech found in the Sherlock Holmes Canon*, www.sherlocktron.com/figures.pdf (Feb. 2011).)

In "Shoscombe Old Place," Holmes twice makes comments reminiscent of the "curious incident" of the dog. The first time parallels the remark in "Silver Blaze":

> "Let us consider our data. The brother no longer visits the beloved invalid sister. He gives away her favourite dog. Her *dog*, Watson! Does that suggest nothing to you?"
>
> "Nothing but the brother's spite."
>
> "Well, it might be so. Or — well, there is an alternative."

Not quite so memorable. But a few paragraphs later comes something a bit more worthy. The dog, a renowned Shoscombe spaniel, expecting to see its mistress, Lady Beatrice Falder, in the passing carriage, barks agitatedly, leading Holmes to the conclusion that the person in the carriage is an impostor: "Dogs don't make mistakes." (The stable dog in "Silver Blaze" is apparently a mutt or mongrel. *See* Harald Curjel, *Some Thoughts on the Case of "Silver Blaze,"* 13 SHERLOCK HOLMES J. 36 (Summer 1977).)

David Galerstein suggests that the true curious incident in "Silver Blaze" is the failure of the dog to bark in excitement and affection at the unexpected visit of its friend — concluding that the dog, too, must have been drugged. David Galerstein, *Why the Dog Did Nothing in the Nighttime*, in A SINGULAR SET OF PEOPLE (1990) (Marlene Aig and David Galerstein eds.). If he is correct, then of course Holmes's whole chain of reasoning in the case is wrong, and he solves the case more or less by chance. Curjel concluded that "the dog did not bark . . . because it was just that sort of a dog." In fact, both are wrong — later in the story Holmes corrects his earlier statement that the dog did nothing:

> "Before deciding that question I had grasped the significance of the silence of the dog . . . a dog was kept in the stables, and yet, though some one had been in and had fetched out a horse, *he had not barked enough* to arouse the two lads in the loft." [emphasis mine]

Alvin E. Rodin and Jack D. Key picked up on this point in *Sherlock Holmes's Use of Imagination and the Case of the Unperturbed Dog*, 13 CANADIAN HOLMES 3 (Summer 1990). Of course, the Sherlockismus would have lost a great deal of its charm if, instead of saying "The dog did nothing in the night-time," Inspector Gregory had prompted Holmes with "The dog didn't bark particularly loudly in the night-time."

It is always tricky to try to track down the possible inspiration of one of Arthur Conan Doyle's "Sherlockismuses." While many may be original, Conan Doyle read widely and had an unusually retentive memory, so the influence on a "new" phrase of something read even decades earlier cannot be discounted. Did the curious incident spring full-blown from Conan Doyle's fertile mind? Or was the source already lodged in his memory from his lifetime of reading? In "The Curious Incident: or From Homer to Holmes," C. Russell Small points to a scene from *The Odyssey* where Odysseus, disguised and hiding in the swineherd Eumaios's hut, observes: "Eumaios, here is one of your crew come back, or maybe another friend: the dogs are out there snuffling belly down; not one has even growled." C. Russell

"When do the servants go to bed?"

"About ten."

"I understand that William was usually in bed also at that hour."

"Yes."

"It is singular that on this particular night he should have been up. Now, I should be very glad if you would have the kindness to show us over the house, Mr. Cunningham."

A stone-flagged passage, with the kitchens branching away from it, led by a wooden staircase directly to the first floor of the house. It came

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Small, "The Curious Incident: or From Homer to Holmes," *Baker Street Journal* 2, no. 4 (Oct. 1952); Homer, THE ODYSSEY, Book 16, *Father and Son*, ll. 1-12 (Robert Fitzgerald tr.).

The curious incident has had a curious afterlife in the law.

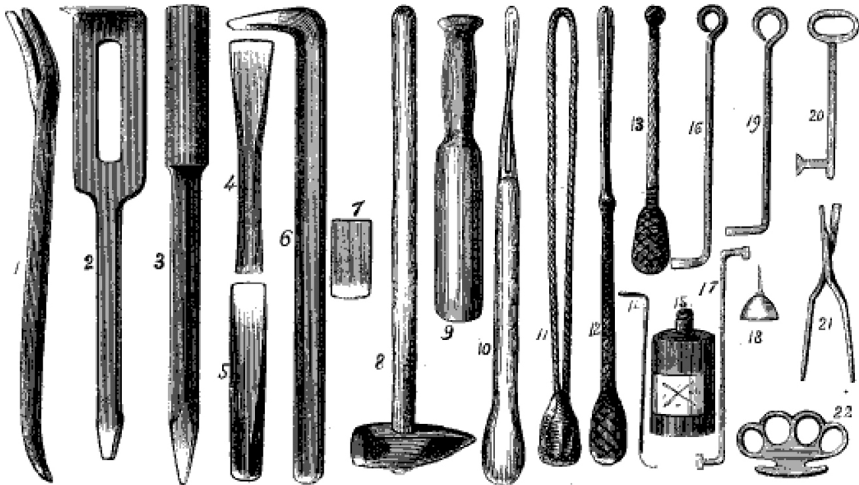
Leslie Katz, a retired Australian judge and Sherlockian scholar, discusses the use of "curious incident," with a passing reference to "dogs don't make mistakes," in "Sherlock Holmes in Australian Reasons for Judgment or Decision." In one of the cases that Katz discusses, "a person had been able to effect a night-time entry to a closed business that had a functioning burglar alarm and yet that alarm had not gone off; therefore, the person must've been someone whom the burglar alarm knew well." Obviously the burglar knew the alarm code. Leslie Katz, *Sherlock Holmes in Australian Reasons for Judgment or Decision*, May 3, 2012, papers.ssrn.com/sol3/papers.cfm?abstract_id=1337347.

Walter P. Armstrong Jr. pointed out that "the curious incident of the dog in the nighttime" has been used by two U.S. Supreme Court justices to support two directly opposing rules:

> In the opinion in *Harrison v. PPG Industries, Inc.*, 446 U.S. 587, 592 (1980), Justice Potter Stewart says: In ascertaining the meaning of a statute, a court cannot, in the manner of Sherlock Holmes, pursue the theory of the dog that did not bark. . . .
> Justice Stevens . . . . said in a footnote to his concurring opinion in *Jenkins v. Anderson*, 447 U.S. 231, 245 (1980): A dog's failure to bark may be probative whether or not he has been trained as a watch dog. Cf. A. Conan Doyle, Silver Blaze.

Armstrong points out that the Court at that time was evenly divided (four to four) on the applicability of this principle, and that "Justice Powell remains inscrutable." Walter P. Armstrong, *The U.S. Supreme Court and the Non-Barking Dog*, 41 Baker Street Miscellanea 39-40 (Spring 1985); *Harrison v. PPG Industries, Inc.* is actually 446 U.S. 578. Observation of this disagreement between Justice Stewart and Justice Stevens had been made earlier by Linda Greenhouse in *How the Supreme Court Reads Congress's Mind*, N.Y. TIMES, June 14, 1981, s. iv, p. 3. I have not conducted any research to determine if either side has since prevailed. Ira Brad Matetsky (personal communication October 29, 2015) found a note from Justice Powell to Justice Stewart in Stewart's Papers at Yale University in which Powell noted that he had written to Armstrong in response to his article, "I note that I have remained inscrutable."

THE EDITORS: Oy! These Sherlockian dogs! They seem never to speak up when they would be most helpful, or unhelpful. *See* Clifford S. Goldfarb, *Some Musings on Dogs That Do and Dogs That Don't (Bark)*, in SARATOGA: AT THE RAIL 19 (2015) (Candace J. Lewis and Roger Donway eds.).



A "KIT" OF BURGLARS' TOOLS.

From *On Burglars' Tools*, THE MANUFACTURER AND BUILDER, May 1874, at 108. Just in case you need some help identifying a particular tool: 1 = "a claw-jimmy, very useful for prying between doors and shutters" and "indispensable to withdraw heavy nails, break screw-heads, nuts, springing shutters, etc."; 2 = "another form of jimmy, used for digging walls and turning bolts"; 3 & 6 = "other forms of jimmies"; 4 & 5 = "heavy chisels, used with the sledge-hammer [8], for different purposes, as opening doors by breaking the hinges, etc."; 7 = "in the professional language, . . . the little alderman . . . a short, small wedge of steel, very thin at one end, and very useful in opening safe doors"; 9 = a "loaded club"; 10 = a "sand-bag"; 11, 12 & 13 = "various styles of slung-shots"; 15 = a "powder-can"; 16, 19 & 20 = "specimens of skeleton keys, but the form at present manufactured in New York is double, having a key at each end, and is represented in [14 & 17]"; 18 = an "oil-can"; 21 = "nippers for turning the inner keys of bedrooms in hotels from the outside"; 22 = "brass knuckles." *See also* LSK, 1 New Ann., p. 571.

out upon the landing opposite to a second more ornamental stair, which came up from the front hall. Out of this landing opened the drawing-room and several bedrooms, including those of Mr. Cunningham and his son. Holmes walked slowly, taking keen note of the architecture of the house. I could tell from his expression that he was on a hot scent; and yet I could not in the least imagine in what direction his inferences were leading him.

"My good sir," said Mr. Cunningham, with some impatience, "this is surely very unnecessary. That is my room at the end of the stairs, and my

son's is the one beyond it. I leave it to your judgment whether it was possible for the thief to have come up here without disturbing us."

"You must try round and get on a fresh scent, I fancy," said the son, with a rather malicious smile.

"Still, I must ask you to humor me a little further. I should like, for example, to see how far the windows of the bedrooms command the front. This, I understand, is your son's room" (he pushed open the door); "and that, I presume, is the dressing-room, in which he sat smoking when the alarm was given. Where does the window of that look out to?" He stepped across the bedroom, pushed open the door, and glanced round the other chamber.

"I hope that you are satisfied now," said Mr. Cunningham, tartly.

"Thank you; I think I have seen all that I wished."

"Then, if it is really necessary, we can go into my room."

"If it is not too much trouble."

The J.P. shrugged his shoulders and led the way into his own chamber, which was a plainly furnished and commonplace room. As we moved across it in the direction of the window, Holmes fell back, until he and I were the last of the group. Near the foot of the bed stood a dish of oranges and a carafe of water. As we passed it, Holmes, to my unutterable astonishment, leaned over in front of me and deliberately knocked the whole thing over. The glass smashed into a thousand pieces, and the fruit rolled about into every corner of the room.

"You've done it now, Watson," said he, coolly. "A pretty mess you've made of the carpet!"

I stopped in some confusion and began to pick up the fruit, understanding for some reason my companion desired me to take the blame upon myself. The others did the same, and set the table on its legs again.

"Hullo!" cried the Inspector; "where's he got to?"

Holmes had disappeared.

"Wait here an instant," said young Alec Cunningham. "The fellow is off his head, in my opinion. Come with me, father, and see where he has got to."

They rushed out of the room, leaving the Inspector, the Colonel, and me staring at each other.

"'Pon my word, I am inclined to agree with Master Alec," said the official. "It may be the effect of this illness, but it seems to me that —"

His words were cut short by a sudden scream of "Help! Help! Murder!"

With a thrill I recognized the voice as that of my friend. I rushed madly from the room on to the landing. The cries, which had sunk down into a hoarse, inarticulate shouting, came from the room which we had first visited. I dashed in, and on into the dressing-room beyond. The two Cunninghams were bending over the prostrate figure of Sherlock Holmes, the younger clutching his throat with both hands, while the elder seemed to be twisting one of his wrists. In an instant the three of us had torn them away from him, and Holmes staggered to his feet, very pale and evidently greatly exhausted.

"Arrest these men, Inspector," he gasped.

"On what charge?"

"That of murdering their coachman, William Kirwan."

The Inspector stared about him in bewilderment. "Oh, come, now, Mr. Holmes," said he at last. "I'm sure you don't really mean to —"

"Tut, man; look at their faces!" cried Holmes, curtly.

Never certainly have I seen a plainer confession of guilt upon human countenances. The older man seemed numbed and dazed, with a heavy, sullen expression upon his strongly marked face. The son, on the other hand, had dropped all that jaunty, dashing style which had characterized him, and the ferocity of a dangerous wild beast gleamed in his dark eyes and distorted his handsome features.

The Inspector said nothing, but, stepping to the door, he blew his whistle. Two of his constables came at the call.

"I have no alternative, Mr. Cunningham," said he. "I trust that this may all prove to be an absurd mistake; but you can see that — Ah, would you? Drop it!"

He struck out with his hand, and a revolver which the younger man was in the act of cocking clattered down upon the floor.

"Keep that," said Holmes, quietly putting his foot upon it. "You will find it useful at the trial.[90] But this is what we really wanted." He held up

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[90] A. CHARLES DEAN: Holmes had good reason to believe the weapon would be useful. Consider the example of Charles Peace, who was tried and convicted on February 2, 1879 of the murder of a civil engineer named Arthur Dyson. The revolver that was on Peace's person when he was arrested in 1878 was introduced into evidence, and it was shown that the rifling of the bullet in Dyson's head matched that of the revolver. Following his conviction and before his execution, Peace made a full confession to the earlier murder (in 1876) of a police officer named Constable Cock. *See* N. Kynaston Gaskell, THE ROMANTIC CAREER OF A GREAT CRIMINAL: A MEMOIR OF CHARLES PEACE (1906); Charles Whibley, A BOOK OF SCOUNDRELS

a little crumpled piece of paper.

"The remainder of the sheet!" cried the Inspector.

"Precisely."

"And where was it?"

"Where I was sure it must be. I'll make the whole matter clear to you presently. I think, Colonel, that you and Watson might return now, and I will be with you again in an hour at the furthest. The Inspector and I must have a word with the prisoners, but you will certainly see me back at luncheon-time."[91]

(2006). The individual who had been convicted of the murder of Constable Cock, William Habron, was exonerated. Peace had attended the trial and watched as Habron was convicted and sentenced to death (commuted to life at penal servitude before Peace confessed). James Rush, *Victorian Britain's Most Wanted Man*, DAILY MAIL, May 23, 2013, www.dailymail.co.uk/news/article-2327472/Victorian-Britains-wanted-man-Incredible-life-crime-Charles-Peace-killed-neighbour-police-officer-scourge-homeowners-country.html. The ultimate release of Habron serves as a classic example of the dangers of circumstantial evidence in a criminal trial. *See Commonwealth v. Woong Knee New*, 354 Pa. 188 (1946).

Holmes would certainly have known of Peace's exploits, as Holmes himself considered Peace to have the complex mind necessary to all great criminals, citing Peace's talent on the violin. *See The Adventure of the Illustrious Client* (1924). Mark Twain refers to Peace in his *Captain Stormfield's Visit to Heaven*.

Upon his execution, Peace uttered his now infamous last words: "What is a scaffold? A shortcut to heaven." Laura Ward, FAMOUS LAST WORDS: THE ULTIMATE COLLECTION OF FINALES AND FAREWELLS 64 (2004); *see also Sherlock Holmes* (2009) (Guy Ritchie, dir.) (Mark Strong (as Lord Henry Blackwood): "Death is only the beginning.").

[91] IRA BRAD MATETSKY: It may seem surprising that Holmes, with his "good practical knowledge of British law" (*A Study in Scarlet*, ch. 2), would presume that Inspector Forrester and he could have a substantive conversation with the Cunninghams, whom Forrester has just arrested on a well-founded capital charge. After all, Inspector Lestrade of Scotland Yard, in arresting John Hector McFarlane for the willful murder of Jonas Oldacre of Lower Norwood just a few years later, is "bound to warm him that anything he may say will appear in evidence against him." But as Geoffrey B. Fehling has observed, the "actual use [of *Miranda*-like warnings] in England during this time is less than clear." *The Adventure of the Norwood Builder: A Lawyerly Annotated Edition*, 2015 GREEN BAG ALM. 116, 136 n.54.

A Victorian statute required that before a *magistrate* questioned a suspect, he must warn the suspect that "[y]ou are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial." Administration of Justice Act, 11 & 12 Vict., c. 42, § 18 (1848). While this statute addresses only questioning by magistrates, a series of nineteenth-century British cases treated a police officer's questioning as equivalent to a magistrate's questioning when testing the voluntariness of a prisoner's confession or admissions. *See Bram v. United States*, 195 U.S. 532, 551-58 (1897) (discussing these cases). But this rule did not necessarily incorporate the requirement of administering a formal caution before questioning began; and it is

Sherlock Holmes was as good as his word, for about one o'clock he rejoined us in the Colonel's smoking-room. He was accompanied by a little elderly gentleman, who was introduced to me as the Mr. Acton whose house had been the scene of the original burglary.

"I wished Mr. Acton to be present while I demonstrated this small matter to you," said Holmes, "for it is natural that he should take a keen interest in the details. I am afraid, my dear Colonel, that you must regret the hour that you took in such a stormy petrel[92] as I am."

"On the contrary," answered the Colonel, warmly. "I consider it the greatest privilege to have been permitted to study your methods of working. I confess that they quite surpass my expectations, and that I am utterly unable to account for your result. I have not yet seen the vestige of a clew."

"I am afraid that my explanation may disillusion you, but it has always been my habit to hide none of my methods, either from my friend Watson or from any one who might take an intelligent interest in them. But first, as I am rather shaken by the knocking about which I had in the dressing-room, I think that I shall help myself to a dash of your brandy, Colonel. My strength has been rather tried of late."

"I trust you had no more of those nervous attacks?"

Sherlock Holmes laughed heartily. "We will come to that in its turn," said he. "I will lay an account of the case before you in its due order, showing you the various points which guided me in my decision. Pray interrupt me if there is any inference which is not perfectly clear to you.

"It is of the highest importance in the art of detection to be able to recognize, out of a number of facts, which are incidental and which vital.[93] Otherwise your energy and attention must be dissipated instead of being concentrated. Now in this case there was not the slightest doubt in my

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unclear whether procedures observed by Scotland Yarders like Inspectors Lestrade in "The Norwood Builder" and Athelney Jones in *The Sign of the Four* were also followed by the Surrey County Police.

Here, we later learn that Holmes has spoken with the Cunninghams and that the elder Cunningham has confessed to the crime. It is unclear from the text whether Forrester remained with Holmes during their interview (though it would be surprising if he did not) or whether any caution was administered. It is thus uncertain whether Cunningham's admissions will be admissible in evidence at his trial, but given that the man spoke only "when he saw that the case against him was so strong" already, the point may be academic.

[92] LSK, Ref.: Memoirs, p. 148, n. 20; LSK, 1 New Ann., p. 574, n. 10; OSH: Memoirs, p. 301.

[93] LSK, Ref.: Memoirs, p. 148, n. 21.

mind from the first that the key of the whole matter must be looked for in the scrap of paper in the dead man's hand.[94]

"Before going into this, I would draw your attention to the fact that if Alec Cunningham's narrative was correct, and if the assailant, after shooting William Kirwan, had instantly fled, then it obviously could not be he who tore the paper from the dead man's hand. But if it was not he it must have been Alec Cunningham himself, for by the time that the old man had descended several servants were upon the scene. The point is a simple one, but the Inspector had overlooked it because he had started with the supposition that these country magnates had had nothing to do with the matter. Now I make a point of never having any prejudices, and of following docilely wherever fact may lead me,[95] and so in the very first stage of the investigation I found myself looking a little askance at the part which had been played by Mr. Alec Cunningham.

"And now I made a very careful examination of the corner of paper which the Inspector had submitted to us. It was at once clear to me that it formed part of a very remarkable document.[96] Here it is. Do you not now observe something very suggestive about it?"

"It has a very irregular look," said the Colonel.

"My dear sir," cried Holmes, "there cannot be the least doubt in the world that it has been written by two persons doing alternate words. When I draw your attention to the strong t's of 'at' and 'to' and ask you to compare them with the weak ones of 'quarter' and 'twelve,'[97] you will instantly recognize the fact.[98] A very brief analysis of these four words would

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[94] PETER H. JACOBY: Holmes's reasoning appears flawed at best. Alec Cunningham had said that the two men were "wrestling together." The sheet of paper could therefore have been snatched at any time in their struggle before the shot. *See* Chase, note 67 above. Thus, although his suspicion proved to be correct, there was a rather slim basis for Holmes to suspect Alec Cunningham *ab initio*.

[95] LSK, Ref.: Memoirs, p. 149, n. 22.

[96] THE EDITORS: Was Holmes already at work on "a trifling monograph upon the subject [of] . . . ciphers," and making himself "fairly familiar with all forms of secret writings"? *The Adventure of the Dancing Men* (1903). If so, he would have been especially attuned to secret writing of even this type, at this time.

[97] LSK, Ref.: Memoirs, p. 149, n. 23; LSK, 1 New Ann., p. 576, n. 11.

[98] PETER H. JACOBY: Leon S. Holstein — based on his own examination of the handwritten "twelve" in the note fragment with the same handwritten word in a partial manuscript of "The Adventure of the Crooked Man" presumably penned by Watson — concluded that *Watson* was the scribe of the portion of the note to Kirwan that Holmes attributed to Cun-

enable you to say with the utmost confidence that the 'learn' and the 'maybe' are written in the stronger hand, and the 'what' in the weaker."[99]

"By Jove, it's as clear as day!" cried the Colonel. "Why on earth should two men write a letter in such a fashion?"

"Obviously the business was a bad one, and one of the men, who distrusted the other, was determined that, whatever was done, each should have an equal hand in it. Now of the two men it is clear that the one who wrote the 'at' and 'to' was the ringleader."

"How do you get at that?"

"We might deduce it from the mere character of the one hand as compared with the other. But we have more assured reasons than that for supposing it. If you examine this scrap with attention you will come to the conclusion that the man with the stronger hand wrote all his words first, leaving blanks for the other to fill up. These blanks were not always sufficient, and you can see that the second man had a squeeze to fit his 'quarter' in between the 'at' and the 'to,' showing that the latter were already written. The man who wrote all his words first is undoubtedly the man who planned the affair."

"Excellent!" cried Mr. Acton.

"But very superficial," said Holmes. "We come now, however, to a point which is of importance. You may not be aware that the deduction of a man's age from his writing is one which has been brought to considerable accuracy by experts.[100] In normal cases one can place a man in his

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ningham *père*. *See* L.S. Holstein, *The Puzzle of Reigate*, 2 BAKER STREET J. 221 (Oct. 1952).

Holstein failed, however, to explain how Watson, who had only just arrived at Reigate on April 25, could have co-written a letter delivered that very afternoon. Moreover, his handwriting comparison was less than fully persuasive. While there are some similarities between the two exemplars (nicely juxtaposed by Holstein), the reader will immediately note that the letter "t" in the two documents is markedly different:

From the manuscript of The Crooked Man, which no one can gainsay is in the handwriting of Dr. Watson:

From the text of The Reigate Puzzle (or The Reigate Squires or The Reigate Squire, as you wish):

The first exemplar is created from a single vertical stroke and has a pronounced horizontal crossbar, while the second is created from two vertical strokes.

[99] LSK, 1 New Ann., p. 576, n. 12.

[100] LSK, Ref.: Memoirs, p. 149, n. 24; OSH: Memoirs, p. 301.

true decade with tolerable confidence.[101] I say normal cases, because ill health and physical weakness reproduce the signs of old age even when the invalid is a youth. In this case, looking at the bold strong hand of the one and the rather broken-backed appearance of the other, which still retains its legibility, although the t's have begun to lose their crossing, we can say that the one was a young man and the other was advanced in years, without being positively decrepit."

"Excellent!" cried Mr. Acton again.

"There is a further point, however, which is subtler and of greater interest. There is something in common between these hands. They belong to men who are blood-relatives. It may be most obvious to you in the Greek e's,[102] but to me there are many small points which indicate the same thing. I have no doubt at all that a family mannerism can be traced in these two specimens of writing. I am only, of course, giving you the leading results now of my examinations, which would be of more interest to experts[103] than to you. They all tended to deepen the impression upon my mind that the Cunninghams had written this letter.

"Having got so far, my next step was, of course, to examine into the details of the crime and to see how far they would help us. I went up to the house with the Inspector and saw all that was to be seen. The wound upon the dead man was, as I was able to determine with absolute confidence, fired from a revolver at the distance of something over four yards. There was no powder-blackening on the clothes. Evidently, therefore, Alec Cunningham had lied when he said that the two men were struggling when the shot was fired. Again, both father and son agreed as to the place where the man escaped into the road. At that point, however, as it happens, there is a broadish ditch, moist at the bottom. As there were no indications of boot-marks about this ditch, I was absolutely sure not only that the Cunninghams had again lied, but that there had never been any unknown man upon the scene at all.

"And now I had to consider the motive of this singular crime. To get at this I endeavored first of all to solve the reason of the original burglary at Mr. Acton's. I understood from something which the Colonel told us that a lawsuit had been going on between you, Mr. Acton, and the Cunning-

[101] LSK, Ref.: Memoirs, p. 150, n. 25.

[102] LSK, Ref.: Memoirs, p. 150, n. 26.

[103] LSK, Ref.: Memoirs, p. 150, n. 27; LSK, 1 New Ann., p. 578, n. 13.

hams. Of course it instantly occurred to me that they had broken into your library with the intention of getting at some document which might be of importance in the case."

"Precisely so," said Mr. Acton. "There can be no possible doubt as to their intentions. I have the clearest claim upon half of their present estate, and if they could have found a single paper[104] — which fortunately was in the strongbox of my solicitors[105] — they would undoubtedly have crippled our case."

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[104] OSH: Memoirs, p. 303.

[105] ROSS E. DAVIES: The solicitors' strongbox could have been nearly anything lockable, from a flat little portable dispatch box to a massive wardrobe-sized safe. *See, e.g., The Adventure of the Second Stain* (1904); *strongbox, n.*, in OXFORD ENGLISH DICTIONARY (Dec. 28, 2015) ("A strongly made or lockable chest, box, or safe for money, documents, or other valuables."); *see also, e.g.,* OLIVER & BOYD'S EDINBURGH ALMANAC AND NATIONAL REPOSITORY FOR THE YEAR 1887 at 61 (1887) (Chubb & Son advertisement reproduced on page 159 below). There are at least a couple of reasons, however, to suppose that whatever its size or shape, that strongbox was a product of the renowned firm of Chubb & Son, which specialized in the design and manufacture of locks and safes. *See* ALEXANDER HAY JAPP, INDUSTRIAL CURIOSITIES 266-92 (new ed. 1882). First, Chubb products had been and would be featured in other Sherlock Holmes cases, including one in which a lawyer figured prominently. *See A Scandal in Bohemia* (1891) (Sherlock Holmes: "Chubb lock to the door" and "an English lawyer named Norton"); *The Adventure of the Golden Pince-Nez* (1904) (Sherlock Holmes: "Is it a simple key?" Mrs. Marker: "No, sir; it is a Chubb's key."). Second, Chubb products had long been marketed to solicitors. *See, e.g.,* THE LAW TIMES, Oct. 14, 1848 (advertisement: "To Barristers and Solicitors. . . . Chubb's Patent Fire-Proof Safes, Book-cases, Chests, &c. made entirely of strong wrought-iron, so as effectually to resist the falling of brick-work, timbers, &c. in case of Fire, and are also perfectly secure from the attacks of the most skilful Burglars. Chubb's Cash and Deed boxes fitted with the Detector Locks. . . ."); THE LAW TIMES, Oct. 29, 1853 (advertisement with testimonials); *see also, e.g.,* THE JURIST, Jan. 20 and June 15, 1844; THE LAW TIMES, May 25, 1861, Dec. 13, 1862, Oct. 31, 1863, Nov. 8, 1879; Apr. 24, 1880, and Dec. 30, 1899; *and see* THE ILLUSTRATED LONDON NEWS, July 23, 1887 and Nov. 5, 1887; 14 THE LAW MAGAZINE; OR, QUARTERLY REVIEW OF JURISPRUDENCE 125 (1851) (noting "A really interesting and graphic account of locks and keys" by John Chubb); THE SOLICITORS' J., Oct. 30, 1897. Moreover, Chubb products do appear to have been used by solicitors. *See, e.g.,* 48 SOLICITORS' J. & REP. 76 (Nov. 28, 1903); BOARD OF TRADE J., Dec. 16, 1915, advertisements section at iv (British Commercial Gas Association describing a "solicitors' office [in which] you will find installed a . . . burglar-proof safe . . . , with the guarantee of Chubb's boldly displayed on the centre of each door"; reproduced on page 442 below). In addition, it is also quite possible that the strongbox of Mr. Acton's solicitors was itself stored at a "Fire-proof and Burglar proof" secure offsite location. *See, e.g.,* WHITAKER'S ALMANACK FOR THE YEAR OF OUR LORD 1887, advertisement section at 19 (1887) (Chancery Land Safe Deposit offering "Solicitors', Bankers', and Merchants' strong rooms"; reproduced on page 160 below).

CHUBB & SON,

Lock and Safe Makers by Special Appointment to Her Majesty the Queen.

SOLE AGENTS—

GEO. STEWART & CO.,

STATIONERS,

92 GEORGE STREET, EDINBURGH.

GOLD MEDAL: International Exhibition, Edinburgh, 1886.

Eight Gold Medals in Three Years.

CHUBB'S New Patent Fire and Thief Resisting Safes and Strong Rooms. These celebrated Safes can now be had fitted with the DALTON PERMUTATION KEYLESS LOCKS and TIME LOCKS.

CHUBB'S Patent Strong Rooms, Bullion Vaults, Steel Doors, and Treasure Safes are perfectly secure against Fire and Thieves.

CHUBB'S Jewel and Boudoir Safes for Domestic use.

CHUBB'S New Series of Cheap Safes are Cheaper than many Second - hand Safes, and perfectly Fireproof.

CHUBB'S Patent Detector Locks, with SIX TUMBLERS (except in very small sizes) and TWO KEYS EACH.

CHUBB'S Deed Security and Cash Boxes, with PATENT DETECTOR LOCKS.

CHUBB'S Despatch Boxes, Key Boxes, Writing Desks, &c., with DETECTOR LOCKS.

Chubb's Illustrated Price Lists sent on Application.

Oliver & Boyd's Edinburgh Almanac and National Repository for the Year 1887, advertisement section, at 61.

THE FIRE DEFIED.

Safe Bind, Safe Find.

An Early and Provident Fear is the Mother of Safety.

THE BURGLAR BAFFLED.

THE FORGER FRUSTRATED.

BY RENTING A SAFE OR STRONG ROOM IN THE

CHANCERY LANE SAFE DEPOSIT, LONDON,

MY DEEDS ARE SAFE,

MY JEWELLERY IS SECURE,

MY WILL CANNOT BE INSPECTED.

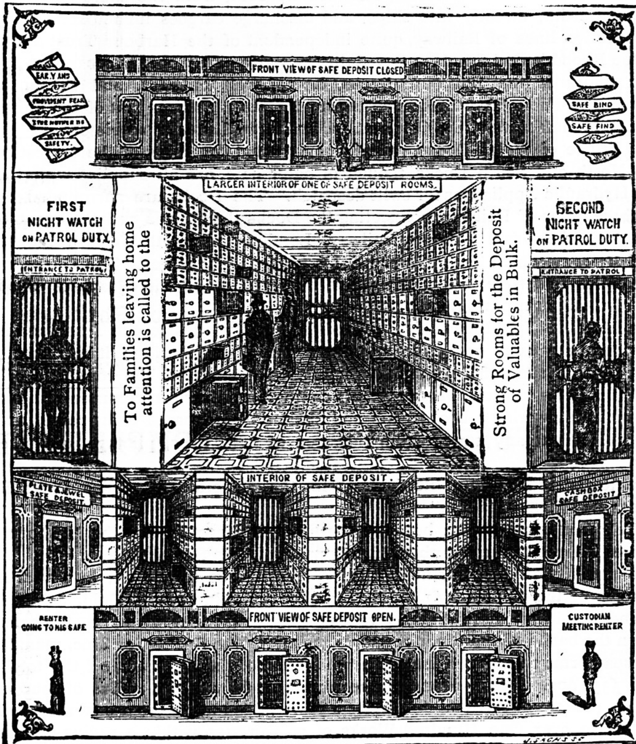
All under my own Lock and Key, and nightly Guarded by Military Patrol.

SOLICITORS', BANKERS', and MERCHANTS' STRONG ROOMS. These Fire-proof and Burglar-proof Strong Rooms can be rented by private persons for the safe keeping of valuables in bulk.

Plate Chests, Jewel Cases, or Parcels can be deposited for short or long periods. Scale of Charges: 1 month, 5*s.*; 2 months, 7*s.* 6*d.*; 3 months, 10*s.* 6*d.*; 6 months, 15*s.*; 12 months, 21*s.* CASH BOXES given in at night, to be returned in the morning, £2 2*s.* per annum.

ADVANTAGES—Absolute Secrecy and Security.

Each Renter has a separate Safe, immovably fixed, and he is possessed of the only key of it in existence, so that he alone has the means of access thereto. Convenient Writing, Waiting, and Telephone Rooms for the use of Renters, free of charge; a separate room being provided for ladies.



View of Strong Rooms.

Prospectus and Card of Admission post free, on application to the Manager,

61 & 62, CHANCERY LANE, LONDON. [315

Whitaker's Almanack For the Year of Our Lord 1887,
advertisement section, at 19.

"There you are," said Holmes, smiling. "It was a dangerous, reckless attempt in which I seem to trace the influence of young Alec. Having found nothing, they tried to divert suspicion by making it appear to be an ordinary burglary, to which end they carried off whatever they could lay their hands upon. That is all clear enough, but there was much that was still obscure. What I wanted, above all, was to get the missing part of that note. I was certain that Alec had torn it out of the dead man's hand, and almost certain that he must have thrust it into the pocket of his dressing-gown. Where else could he have put it? The only question was whether it was still there.[106] It was worth an effort to find out, and for that object we all went up to the house.

"The Cunninghams joined us, as you doubtless remember, outside the kitchen door. It was, of course, of the very first importance that they should not be reminded of the existence of this paper; otherwise they would naturally destroy it without delay. The Inspector was about to tell them the importance which we attached to it, when by the luckiest chance in the world I tumbled down in a sort of fit, and so changed the conversation."

"Good heavens!" cried the Colonel, laughing. "Do you mean to say all our sympathy was wasted, and your fit an imposture?"[107]

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[106] LSK, Ref.: Memoirs, p. 151, n. 28.

[107] RONALD J. WAINZ: Naturally, since the aforementioned spell was voluntary (*see* note 86 above), the possibility of cataplexy and the diagnosis of narcolepsy are excluded. What can one make of Watson's reaction, then, to the chicanery of Holmes insofar as the spell in question is concerned? And what does it say about the doctor-patient relationship between the two, and in general? We should note that Holmes's behavior in misleading Watson by feigning illness (or worse) is not unique to *The Reigate Puzzle*. In *The Adventure of the Dying Detective* (1913, date of activity 1887), for example, Holmes convinces Watson (untruthfully) that he has been stricken with a disease from Sumatra that is "infallibly deadly" and "horribly contagious."

Holmes's deception of Watson in *The Reigate Puzzle* cannot be viewed as a breach of the doctor-patient relationship. Much like those ethical obligations of Catholic priests that apply only to the sanctity of the confessional, the ethical obligations of the doctor-patient relationship do not apply to all interactions between physicians and patients. Watson's response to Holmes's fakery in *The Reigate Puzzle* is one of admiration and amazement. He declares that Holmes's bogus spell was "admirably done," as he looks "in amazement at this man who was forever confounding me with some new phase of his astuteness." Holmes, during the episode in question, was acting as a player on a stage, and was not under Watson's professional care at the time. The behavior occurred over the course of perhaps a few minutes, and there was no intent by Holmes to mislead Watson to a misdiagnosis, as the sequence played out quickly. In *The Adventure of the Dying Detective*, the action occurs over the course of a few hours, but again, Holmes's behavior is not sufficiently prolonged to be offensive to Watson. His reaction upon realizing Holmes was well is not

"Speaking professionally, it was admirably done," cried I, looking in amazement at this man, who was forever confounding me with some new phase of his astuteness.

"It is an art which is often useful,"[108] said he. "When I recovered I managed by a device, which had perhaps some little merit of ingenuity, to get old Cunningham to write the word 'twelve,' so that I might compare it with the 'twelve' upon the paper."

"Oh, what an ass I have been!" I exclaimed.

"I could see that you were commiserating with me over my weakness," said Holmes, laughing. "I was sorry to cause you the sympathetic pain which I knew that you felt. We then went up stairs together, and having entered the room and seen the dressing-gown hanging up behind the door, I contrived by upsetting a table to engage their attention for the

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one of betrayal but rather, "I nearly called out in my joy and my amazement."

Can and should physicians treat family or friends? The *American College of Physicians Ethics Manual (sixth edition)* states that, "A physician asked to provide medical care to a person with whom the physician has a prior social or emotional relationship should first consider alternatives" and "physicians should usually not enter into the dual relationship of physician-family member or physician-friend." Mentioned as a specific concern is the possibility of the lack of "clinical objectivity" when dealing with close associates and family members. Ultimately, the recommendation of the College is not that such relationships are prohibited, but rather that they only be undertaken "with the same comprehensive diligence and careful documentation as exercised with other patients." 156 ANNALS OF INTERNAL MEDICINE 73, 81 (2012).

The clear risk of treating friends and family members is the possibility of the physician's lack of detached or dispassionate objectivity, which is generally accepted as a major tenet of the physician-patient relationship. Watson is unquestionably Holmes's closest and dearest friend and confidante, and does appear to be lacking some detachment in his relationship with Holmes. For example, in a phrase of unquestioned admiration, Watson, thinking Holmes dead, describes him as "the best and wisest man whom I have ever known" in the last line of *The Final Problem*. This ethical landscape of appropriate behavior for physicians is fluid and, to some extent, institutional, as more medical practitioners are now employed. More recently, a draft policy prepared in response to a request from the Office of Clinical Affairs of the University of Michigan Health System (UMHS) advised that, "health providers avoid medical evaluation or treatment of immediate family members other than in emergency situations or urgent settings when no other provider is immediately available." Katherine J. Gold et al., *No Appointment Necessary? Ethical Challenges in Treating Friends and Family*, 371 NEW ENGLAND J. MEDICINE 1254, 1257 (Sept. 25, 2014). The gist of that advice is now part of a policy recently adopted by the UMHS. *See Treatment of Self, Family Members and Members of the Same Household*, UMHHC Policy 04-06-069 (Feb. 2015) ("privileged providers and clinical program trainees should not establish a therapeutic relationship with immediate family members, or provide formal medical care for themselves.").

[108] LSK, Ref.: Memoirs, p. 152, n. 29; LSK, 1 New Ann., p. 580, n. 14.

moment, and slipped back to examine the pockets. I had hardly got the paper, however, which was, as I had expected, in one of them, when the two Cunninghams were on me, and would, I verily believe, have murdered me then and there but for your prompt and friendly aid. As it is, I feel that young man's grip on my throat now, and the father has twisted my wrist round in the effort to get the paper out of my hand. They saw that I must know all about it, you see, and the sudden change from absolute security to complete despair made them perfectly desperate.

"I had a little talk with old Cunningham afterwards as to the motive of the crime. He was tractable enough, though his son was a perfect demon, ready to blow out his own or anybody else's brains if he could have got to his revolver. When Cunningham saw that the case against him was so strong he lost all heart and made a clean breast of everything.[109] It seems that William had secretly followed his two masters on the night when they made their raid upon Mr. Acton's, and having thus got them into his power, proceeded, under threats of exposure, to levy blackmail upon them.[110] Mr. Alec, however, was a dangerous man to

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[109] PETER H. JACOBY: Perhaps not everything; no mention was made of Hayter's role both in the Acton burglary and in at least condoning, if not indeed planning, the murder of Kirwan. The Cunninghams could easily have "peached" on Hayter and implicated him in their plot, but doing so would not have aided them and arguably would have seriously harmed their interests. Conspiracy to murder was a separate capital offense under section 4 of the Offenses Against the Person Act of 1861, 24 & 25 Vict. c. 100. Allying themselves with Hayter to conceal their crime would have magnified the Cunninghams' guilt and assured they would hang for Kirwan's murder; by instead staying silent about Hayter, they might have induced an English jury to bring in a verdict of manslaughter based on the mitigating circumstance of having been blackmailed by their servant.

[110] CLIFFORD S. GOLDFARB: "Blackmail" originally came into the English language as a "tribute levied on farmers in Scotland and the border counties of England by freebooting Scottish chiefs in return for protection or immunity from plunder." In its modern, more general, sense it is a verb meaning, "Originally: to extort money from (a person, etc.) by intimidation, by the unscrupulous use of an official or social position, or of political influence or vote. Now chiefly: to extort money from [a person, etc.] by threatening to reveal a damaging or incriminating secret; (also) to use threats or moral pressure against." OXFORD ENGLISH DICTIONARY (online version, accessed Sept. 20, 2015).

In *Edsall v. Brooks*, Judge Monell stated:

> In common parlance, and in general acceptation, [blackmail] is equivalent to, and synonymous with, extortion — the exaction of money, either for the performance of a duty, the prevention of an injury, or the exercise of an influence. . . . Not unfrequently it is extorted by threats, or by operating upon the fears or the credulity, or by promises to conceal, or offers to expose, the weaknesses, the follies,

> or the crimes of the victim. . . . It cannot be doubted, I think, that the term "blackmailing" is invariably regarded as an unlawful act; and though, from its indefiniteness and comprehensiveness, the offence is not classified as a distinct crime, nevertheless, it is believed to be criminal, and to charge a man with "blackmailing", is equivalent to charging him with a crime.

17 Abb. P.R. (N.Y.) [1864] at 226, quoted in *Macdonald v. World Newspaper Co.* (1894), 16 P.R. 324 at 325 (Ontario H.C.) (Meredith, C.J.O.).

In *R. v. Carey* a former brokerage employee was sentenced to five years in prison for sending a threatening letter to his ex-employer, Ashton. Wills J. said that "he and all Her Majesty's Judges looked upon offences of this nature as the most serious known to the law, inasmuch as persons with weaker temperaments than Mr. Ashton had been known to commit suicide in consequence of unfounded charges . . . being made against them." THE TIMES, Nov. 19, 1885.

Blackmail, or extortion, was a crime at common law and later under various English statutes. It was an offence to publish or threaten to publish or abstain from publishing a defamatory libel in order to extort money, even if the libel was untrue. HALSBURY'S LAWS OF ENGLAND (2d ed. 1933), vol. IX, *Criminal Law and Procedure*, s. 921 ("HALSBURY'S"). It was similarly an offence to threaten to go to the police with an accusation that the victim had committed a crime, even if the accusation was untrue. HALSBURY'S, ss. 917-920. These offences are currently codified in England and Wales in the Theft Act 1968 (c. 60, s. 21); in Canada in sections 302 and 346 of the Criminal Code (RSC 1985, c. C-46), and in the U.S. in title 18 of the U.S. Code (ch. 41 — Extortion and Threats, primarily § 873 — Blackmail). There is another category of extortion, not relevant to this annotation, in which a government official wrongfully demands a payment in exchange for performing an official duty. HALSBURY'S, ss. 523-530.

In "Charles Augustus Milverton," Holmes describes to Watson how the villain went about squeezing his victims for money in order to prevent the publication of a letter implicating them in some nefarious or scandalous activity:

> "But surely," said I, "the fellow must be within the grasp of the law?"
>
> "Technically, no doubt, but practically not. What would it profit a woman, for example, to get him a few months' imprisonment if her own ruin must immediately follow? His victims dare not hit back. If ever he blackmailed an innocent person, then, indeed, we should have him, but he is as cunning as the Evil One. No, no; we must find other ways to fight him."

In "The Reigate Puzzle," William Kirwan was attempting to extract money from the Cunninghams, father and son, by threatening to go to the police to disclose that they had committed the crime of burglary. This was his fatal mistake — his intended victims preferred to take justice into their own hands, rather than expose themselves to prosecution by reporting Kirwan to the police. See the discussion of self-justice in "Charles Augustus Milverton" in Ross E. Davies, *Holmes, Coase & Blackmail*, 18 GREEN BAG 2D 93 (2014). An extensive list of the crimes committed by Holmes and others in the Milverton case is found in Irving M. Fenton, *An Analysis Of The Crimes And Near-Crimes At Appledore Towers in the Light of the English Criminal Law*, 6 BAKER STREET J., no. 2 (April 1956).

Judge S. Tupper Bigelow has written extensively on the crime of "misprision of felony," in which the culprit "in concealing his knowledge, converted it into a source of emolument for himself." S. Tupper Bigelow, *Misprision of Felony and Sherlock Holmes*, 5 SHERLOCK HOLMES J., no. 3 (Winter 1961); *Sherlock Holmes and Misprision of Felony*, 8 BAKER STREET J.,

no. 3 (July 1958). Bigelow points out that a blackmailer who knows of a crime and fails to report it is committing misprision of felony. However, the blackmailer is also guilty of extortion. J.B. Mackenzie accuses Holmes of numerous crimes: "Nor does he scruple when carrying out his design so impatient is he of control to lay himself open to the charge of being an accessory after the fact or of being concerned in misprision of felony." He quotes from the 5th to 8th editions of *Russell on Crime*, which states:

> Misprision of felony closely resembles the offence of being accessory after the fact to felony. It consists of concealing or procuring the concealment of a felony known to have been committed, whether it be felony by the common law or by statute. . . . It is the duty of a man to discover the felony of another to a magistrate . . . . The law does not allow private persons the right to forego a prosecution. There must be mere knowledge without assent, for any assent or participation will make the man a principal or an accessory . . . . Misprision of felony is distinct from compounding a felony.

Sherlock Holmes Plots and Strategy, 14 GREEN BAG 402 (1904), reprinted in 2015 GREEN BAG ALM. 350, 352. Kirwan would therefore be guilty of two crimes — misprision of felony, for not going to the police to report the burglary, and extortion, for attempting to enrich himself by threatening to expose the crime of the Cunninghams.

There are several other references to blackmail in the Canon. In "Black Peter," Peter Carey, captain of the *Sea Unicorn*, killed John Hopley Nelligan's father and stole a tin box full of securities. Patrick Cairns, a harpoonist, witnessed the killing. Cairns attempted to blackmail Carey. Carey attacked him and Cairns killed Carey in self-defence. Martin Dakin suggests that self-defence would not prevent Cairns from being convicted of "manslaughter, as Cairns was engaged in the criminal activity of blackmail at the time." A SHERLOCK HOLMES COMMENTARY 178 (1972, reprint 2002) ("HOLMES COMMENTARY"). Of course Cairns would also be guilty of misprision of felony.

In "The Gloria Scott," Victor Trevor's father was being blackmailed by Hudson, a sailor who knew that Trevor had been part of the murderous takeover of a transport ship full of criminals and was complicit in the death of the captain and other crew members. When Trevor received a letter from one of his co-conspirators informing him that Hudson was going to the police, he died of a stroke.

In "A Scandal in Bohemia," a sceptical Holmes questioned the King of Bohemia about the reason for his concern about what Irene Adler might do to prevent his forthcoming marriage to Clotilde Lothman von Saxe-Meningen, second daughter of the King of Scandinavia ("If this young person should produce her letters for blackmailing or other purposes . . . ?"). Dakin is critical of Holmes's almost frivolous attitude towards blackmail:

> If this estimate of the seriousness of letters and other documents used for blackmail were a correct one, then few of its victims would have anything to fear and blackmail would cease to be a paying proposition. Why could not the distressed ladies pursued by the 'worst man in London', the notorious Charles Augustus Milverton, laugh in his face and, when he flourished his incriminating epistles, say 'Pooh, pooh! Forgery'?

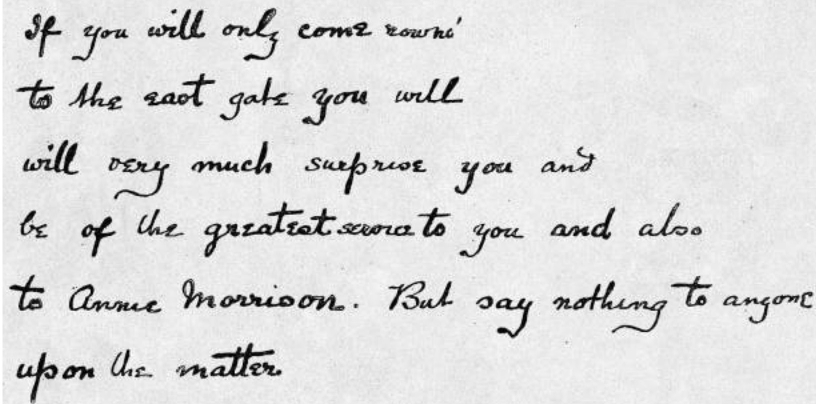
HOLMES COMMENTARY 51. In *The Hound of the Baskervilles*, Sherlock Holmes explained to Watson why he couldn't leave London and why Watson must accompany Sir Henry to Baskerville Hall: "At the present instant one of the most revered names in England is being besmirched by a blackmailer, and only I can stop a disastrous scandal."

Finally, in "The Yellow Face," Holmes, theorizing before he has sufficient data, concludes

play games of that sort with. It was a stroke of positive genius on his part to see in the burglary scare which was convulsing the country-side an opportunity of plausibly getting rid of the man whom he feared. William was decoyed up and shot; and had they only got the whole of the note, and paid a little more attention to detail in their accessories, it is very possible that suspicion might never have been aroused."

"And the note?" I asked.

Sherlock Holmes placed the subjoined paper before us:


If you will only come round
to the east gate you will
will very much surprise you and
be of the greatest service to you and also
to Annie Morrison. But say nothing to anyone
upon the matter

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that Grant Munro's wife has a guilty secret: "There's blackmail in it, or I am much mistaken." Of course, Holmes was mistaken.

Conan Doyle prefers to use the word "blackmail." "Extort" and "extortion" do not appear in the Canon, although he uses "extortion" in his other fiction and non-fiction writing, in the sense of extracting money by use of threats of exposure:

> The unfortunate Mrs. Harris had already found occasion to regret the steps which she had taken, for Pugh, who appears to have been a most hardened young scoundrel, had already begun to *extort* money out of her on the strength of his knowledge.

Arthur Conan Doyle, *The Bravoes of Market-Drayton*, 6 CHAMBERS J. 540-2 (Aug. 24, 1889) (emphasis added). And also in its whimsical sense of attaining public admiration for his meritorious character:

> He was known in the Gulch as the Reverend Elias B. Hopkins, but it was generally understood that the title was an honorary one, *extorted* by his many eminent qualities, and not borne out by any legal claim which he could adduce.

Arthur Conan Doyle, *The Parson of Jackman's Gulch*, LONDON SOCIETY 33-44 (Christmas number 1885), collected in MYSTERIES AND ADVENTURES: THE GULLY OF BLUEMANSDYKE AND OTHER STORIES (1889) (emphasis added).

"It is very much the sort of thing that I expected," said he[.] "Of course we do not yet know what the relations may have been between Alec Cunningham, William Kirwan, and Annie Morrison.[111] The result shows that the trap was skillfully baited. I am sure that you cannot fail to be delighted with the traces of heredity shown in the p's and in the tails of the g's. The absence of the "i" dots in the old man's writing is also most characteristic. Watson, I think our quiet rest in the country has been a distinct success, and I shall certainly return much invigorated to Baker Street tomorrow."[112]

> The first thing we ever wrote together was published in a legal textbook. While we enjoyed writing it, we can't say that it left us with much of a sense that a lasting impression had been made on our colleagues. Neither of us can remember being cornered at bar association meetings by a breathless young lawyer, wanting to tell us how much he or she enjoyed our article on the use of trusts in business transactions. However, having survived all of the possible strains that writing jointly can put on a personal and professional relationship (one that has now comfortably exceeded 40 years), we decided to try something together in a Sherlockian vein.
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> Clifford S. Goldfarb, *Foreword*, in
> HARTLEY R. NATHAN & CLIFFORD S. GOLDFARB,
> INVESTIGATING SHERLOCK HOLMES vii (2014)

[111] LSK, Ref.: Memoirs, p. 153, n. 30; LSK, 1 New Ann., p. 581, n. 15.

[112] PETER H. JACOBY: Undoubtedly due to his still incomplete recovery from his exertions on the Continent in the pursuit of Baron Maupertuis, Holmes's "energy and attention" were not all that they should have been. As shown above, he had failed to recognize numerous oddities and discrepancies in the accounts of others and in events leading up to the *denouement* of the story. See note 54 above. And for the reasons I have given above, Holmes's stay at Reigate had been less than the "distinct success" for which he congratulated himself.